

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2009**

ROCHESTER, NEW YORK

Officials 2009

Robert J. Duffy
Mayor

Patricia Malgieri
Deputy Mayor

Darryl Porter
Assistant to the Mayor

R. Carlos Carballada⁽¹⁾
Commissioner of Economic Development
Commissioner of Neighborhood & Business
Development

Molly Clifford
Director of Neighborhood Service Centers

John M. Merklinger
Emergency Communications Center Director

Charles D. Reaves
Commissioner of Recreation and Youth Services

Brian L. Roulin
Director of Finance

Julio Vazquez⁽²⁾
Commissioner of Community Development

Paula V. Smith⁽³⁾
Library Director

G. Jean Howard
Chief of Staff

William J. Ansbrow
Director of Management and Budget

John D. Caufield
Fire Chief

Paul M. Holahan
Commissioner of Environmental Services

David T. Moore
Police Chief

Thomas S. Richards
Corporation Counsel

Donna L. Turner
Director of Human Resource Management

Gary Walker
Director of Communications

Patricia Uttaro⁽⁴⁾
Library Director

(1) Commissioner of Economic Development through June 30, 2009. Commissioner of Neighborhood & Business Development as of July 1, 2009.

(2) Retired June 30, 2009.

(3) Retired February 6, 2009.

(4) As of February 9, 2009.

Members of Council 2009

Members	Residence
Gladys Santiago President, Councilmember-at-Large	1850 Culver Road, 14609
William F. Pritchard Vice President, Councilmember-at-Large	250 Rosedale Street, 14620
Carolee A. Conklin..... Councilmember-at-Large	310 Exchange Boulevard, Apt. 257, 14608
John F. Lightfoot Councilmember-at-Large	52 Dr. Samuel McCree Way, 14608
Adam C. McFadden Councilmember, South District	178 Farragut Street, 14611
Dana K. Miller Councilmember-at-Large	265 Melrose Street, 14619
Carla M. Palumbo, Esq. Councilmember, Northwest District	1002 Glide Street, 14606
Elaine M. Spaul, Esq..... Councilmember, East District	42 Westminster Road, 14607
Lovely A. Warren, Esq..... Councilmember, Northeast District	93 Woodman Park, 14609

City Clerk's Office 2009

Daniel B. KarinCity Clerk
Hazel L. Washington⁽¹⁾ Deputy City Clerk
Birth A. Manigault Senior Legislative Assistant
Rebecca M. McNamara Senior Legislative Assistant
Betsy P. Indivino Legislative Assistant
Bernard J. Christopher Legislative Aide Part-time
Candice A. BianchiSenior Legislative Clerk
Michael Ann FlynnReceptionist
Lisa M. AlexanderLegislative Clerk
Darlene LaboyLegislative Clerk

(1) Hired March 30, 2009.

Standing Committees of The City Council 2009

Economic Development & the Environment
Miller, Lightfoot, Spaul

Finance
Conklin, Palumbo, Warren

Neighborhood & Community Development
Warren, Conklin, Palumbo

Parks & Public Works
Lightfoot, McFadden, Palumbo

Public Safety & Recreation
McFadden, Miller, Spaul

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

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

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

REGULAR MEETING
JANUARY 20, 2009

Present - President Santiago, Councilmembers Conklin, Miller, Palumbo, Pritchard, Spaul - 6.

Absent - Councilmembers Lightfoot, McFadden, Warren - 3.

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

*Isabel R. Indovina

Fire Department

* Regina I. Quartley

* Michael J. Ruggero

* Daniel P. McBride

Police Department

* Patricia DiGennaro

Jonathan S. Northrup

Library

Paula V. Smith

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of December 23, 2008 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Quarterly Report - Professional services

agreements, \$10,000 and under 3946-7

Notice Of Environmental Determination (2)

3947-7, 3948-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2004-05, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinance No. 2008-259 And Authoring A Loan Agreement For The Erie Harbor Project Int. No. 5 No speakers.

Changing The Zoning Classification Of 431 West Main Street From C-2 Community Center To CCD-M Center City-Main Street Int. No. 6 No speakers.

Changing The Zoning Classification Of 488-546 South Clinton Avenue From C-2 Community Center to CCD-B Center City-Base Int. No. 7 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2009-10 Int. No. 11 No speakers.

Authorizing An Amendatory 2006-07 Community Development Program Plan To Transfer Funds To The Job Creation/Youth Development Account Int. No. 15 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 20, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Resolution Amending The Rules Of Council

Int. No. 16 - Resolution Approving Appointment To The Municipal Civil Service Commission

Int. No. 17 - Cancellation Of Taxes And Charges

The following entitled legislation is being held in Committee:

Int. No. 30 - Local Law Amending The City Charter With Respect To Inspection Warrants

Int. No. 31 - Amending The Municipal Code With Respect To Inspection Warrants

Respectfully submitted,

Carolee A. Conklin

Lovely A. Warren

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2009-1

Re: Rules of Council

Transmitted herewith for your approval is legislation amending the Rules of Council in regard to the "Speak to Council" portion of the meeting. As you know, the procedures for the "Speak to Council" session that precedes the regular meeting have been relatively unchanged for over twenty years. Following a large turnout of speakers at the November Council Meeting, it has been suggested

that the Rules be amended to provide more flexibility and a greater assurance that citizens who wish to address Council will have that opportunity.

The proposed changes can be summarized as follows:

- A minimum time of two minutes will be provided for each speaker, along with a maximum of three minutes;
- Speakers on the "A List" will be assured of an opportunity to speak, even if it means delaying the scheduled 8:00 Council Meeting start time;
- Speakers on the "B List" who have not had the opportunity to be heard prior to the Council Meeting will be permitted to speak either at the end of the Council Meeting, when the "Speak to Council" will be reconvened, or to be at the top of the list for the subsequent Council Meeting.

These changes are a part of City Council's ongoing commitment to openness and receptivity to citizen input in the functioning of the City government.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2009-1
(Int. No. 1)

Resolution Amending The Rules Of Council

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

Section 1. Resolution No. 2008-04, the Rules of Council, for the years 2008-09, is hereby amended by the following changes to Section VII:

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

1. In order to speak, a citizen must notify the Clerk's Office before 6:00 p.m. on Council meeting nights.
2. The citizen must specify to the Clerk the subject of his or her remarks.
3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting and which are not the subject of a public hearing.
 - B. All other speakers.

4. The lists shall be in the order that citizens notified the Clerk's Office.
5. Each speaker will be allotted no less than two (2) minutes and no more than three (3) minutes. [In the event that there are more than twenty (20) speakers, t]The President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker.
6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.
7. If there are [A]ny [listed] speakers on List A not reached by 8:00 p.m., the time for Speak to Council will be extended to allow all speakers on that List to be heard. If there any speakers on List B who have not had the opportunity to speak before the Council Meeting begins, they will be invited either to speak at the conclusion of the Council Meeting or to return to the next Council session when their names will be placed at the top of the [respective lists] appropriate List.
8. Speakers must relinquish the podium at the end of their allotted time.
9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Section 2. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-2
Re: Appointment - Civil Service
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Elizabeth Ortiz, 181 Dickinson Street, Rochester, New York, 14621 to the Civil Service Commission. Ms. Ortiz will fulfill the unexpired term of Sandra Simon, who resigned from the Commission when she accepted a position with the City.

Ms. Ortiz' term expires on May 31, 2010.

A copy of Ms. Ortiz' resume is on file with the City Clerk.

Respectfully submitted,

Robert J. Duffy
Mayor

Resolution No. 2009-2
(Int. No. 16)

**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 Elizabeth Ortiz, 181 Dickinson
Street, to the Municipal Civil Service Commission
for a term which shall expire on May 31, 2010.
Ms. Ortiz shall replace Sandra Simon, who has
resigned.

Section 2. This resolution shall take effect
immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-1
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legisla-
tion approving the cancellation or refund of taxes
and charges totaling \$22,200.00.

One property, 850 St. Paul Street, requires a partial
cancellation of Code Violation Charges in the
amount of \$22,200.00. The building was subdivi-
ded without receipt of all of the required approv-
als. Code Violation Charges in the amount of
\$3,600.00 remain as a tax lien against the property.

If this cancellation is approved, total cancellations
thus far for 2008-09 will be \$2,227,044.78.

	<u>Accounts</u>	<u>Amounts</u>
City Council	223	\$2,183,452.00
Administrative	104	43,592.78
Total	327	\$2,227,044.78

These cancellations represent .946% of the taxes
receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-1
(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 taxes and charges.

(A) Partial cancellation of Code Violation
Charges for illegal subdivision of a build-
ing. A total of \$3,600.00 in Code Violation
Charges shall remain on the tax roll for the
property, with all past interest related to
code violation charges being cancelled.

<u>S.B.L. #</u>	<u>Class</u>	<u>Tax</u>	<u>Amount</u>
<u>Address</u>	<u>Year</u>	<u>Year</u>	<u>Cancelled</u>
106.370-0003-031.1	NH		
850 St. Paul St.	2008		\$ 6,000.00
	2007		13,200.00
	2006		<u>3,000.00</u>
Total			\$22,200.00

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

Section 3. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 30 and
Introductory No. 31
Re: Inspection Warrants

Transmitted herewith for your approval is legisla-
tion to amend the City Charter and Municipal
Code with respect to the issuance of inspection
warrants for civil enforcement purposes. The
Charter amendments set guidelines by which the
City can obtain a warrant to conduct inspections
for compliance with provisions of law relating to
the construction, alteration, maintenance, repair,
operation, use, condition or occupancy of a prem-
ises located within the City. The Municipal Code
amendments are technical in nature and merely
conform the wording in the Code to the inspection
warrant nomenclature that is used in the Charter.

Enforcement of the Code provisions relating to the
construction, alteration, maintenance, repair, op-
eration, use, condition or occupancy of a premises
located within the City has always been a high
priority for the Mayor and the City Council. In
addition, the City is required by the State of New
York to enforce laws such as the New York State
Uniform Fire Prevention and Building Code.
Much of the City's housing stock is old and in a
deteriorated condition. Some property uses are
illegal, dangerous, and create a nuisance for resi-
dents and neighbors. The City has recognized the
problems caused by these uses and has passed
local legislation to regulate them. Certificates of
occupancy must be obtained on a regular basis for
most rental units in order to show that the units are
in substantial compliance with code requirements.
The Lead Paint Poisoning Prevention Ordinance is
designed to protect the health of City children.
The Zoning Code establishes standards for differ-

ent uses in the various zoning districts. All of these codes require inspections in order to assure code compliance, the safety of citizens, and the peace and tranquility of City neighborhoods. The ability of City inspectors to enter a premises to conduct inspections for code compliance cannot be allowed to rest solely on the consent of the owner or tenant in possession of the premises. If that were the case, the owner or tenant would have the final say over whether a property had to be maintained in a safe condition. Fire safety, lead paint poisoning and other serious health and safety concerns can only be addressed by inspections of the interiors of premises. Often, residents are not even aware of the dangers to themselves, their young children and neighbors that may be presented by their dwellings. These amendments are designed to establish reasonable guidelines for the issuance and execution of inspection warrants in the City, so that warrants may be readily obtained when necessary to assure code compliance.

The vast majority of owners and tenants in the City of Rochester (87%) voluntarily comply with code provisions. However, the large number of absentee owners, the age of the City housing stock, our proactive Lead Ordinance and property code program, and the difficulty in obtaining consent for necessary inspections from a small percentage of our population, leave some of our most vulnerable citizens and neighborhoods in jeopardy. This legislation is recommended because we simply cannot allow code compliance to depend upon the decision of a tenant or owner to consent to an inspection. Regular inspections of commercial uses such as amusement and entertainment venues which attract large crowds are necessary to ensure compliance with important fire safety measures. Visitors to an entertainment or amusement center are unlikely to know whether the center has a required sprinkler system or approved exits. Unfortunately, non-compliance with such codes has contributed to horrific fires around the country that have resulted in a tremendous loss of life. We would not allow the owner of a restaurant to decide whether an inspection of food preparation areas is necessary, and we should also take the same position when it comes to inspection of rental housing and other premises. The enforcement of code provisions is especially important to a large number of residents of the City, such as children, the disabled and the elderly, who may be unable to recognize the dangers in their premises or to take the necessary steps to protect themselves. The City has required that dust wipes be performed in certain premises because the dangers caused by lead paint may not be visible and because of the devastating effect that lead paint hazards may have upon young children. Carbon monoxide poisoning is another extreme hazard that may not be easily recognized by building residents. Proper enforcement requires entry by City inspectors when consent has been denied. These amendments provide inspectors with a needed tool in our efforts to protect City residents and visitors.

This legislation will assist the City in obtaining necessary warrants to inspect properties where the

owner has applied for a certificate of occupancy or another license or permit, and consent for an inspection has been denied. At present, there are approximately 24 such cases. This legislation will also assist in the enforcement of complaints involving illegal occupancies and the Lead Paint Poisoning Prevention Ordinance. The City also receives complaints about persons residing in unapproved units, often in basements or attics which pose extreme danger. Inspectors have not been allowed to inspect all of these units, and the legal use of the space or compliance of possible building alterations with code requirements remains in question. Tragically, in the disastrous fire at 33 Upton Park, the fire started and one resident died in a living room that had been converted into a bedroom without approved plans or an inspection. The same landlord had delayed inspections at other properties he owned which also were found upon inspection to have unapproved occupancies and building alterations which endangered the health and safety of tenants.

Efforts to educate residents concerning the dangers of lead paint and to implement the Lead Paint Poisoning Prevention Ordinance have been very successful overall. However, at present there are approximately 1150 outstanding cases in which a visual inspection has been conducted but a dust wipe test has not been performed, leaving tenants and owners at risk. Since lead paint dangers are often not open and obvious, the occupants may not be aware of the dangers or their serious consequences for young children who may be present. Regular and consistent outreach efforts via letters and phone calls, and enforcement actions including ticketing, have not remedied the situation.

The United States Supreme Court and the New York State Court of Appeals provide the authority and constitutional guidelines for the issuance of inspection warrants. The United States Supreme Court in decisions such as Camara v. Municipal Court of the City and County of San Francisco, 387 U.S. 523 (1967) and See v. City of Seattle, 387 U.S. 541 (1967), and the New York State Court of Appeals in Sokolov v. Village of Freeport, 52 N.Y.2d 341 (1981), have recognized the right of persons to require a warrant for inspections of premises in certain circumstances and have established standards for the issuance of such warrants. The City Charter amendments establish local procedures within these constitutional guidelines for the issuance of warrants to assist the City in the civil enforcement of code provisions. The amendments will not only provide guidance to City employees applying for and executing the inspection warrants, but will also allow citizens to understand the inspection warrant process. The legislation requires prior notice to owners or tenants in possession of the property in most cases, provides responsible persons with the ability to schedule an inspection, and establishes guidelines by which the inspections will be performed. At present, most inspection warrants are issued through use of criminal procedures, which do not recognize and are not easily adapted to serve inspection needs.

Criminal search warrants differ significantly from inspection warrants and criminal search warrant procedures are often poorly suited to inspections for civil enforcement purposes. Criminal search warrants authorize the seizure by a police officer of specific property evidencing commission of an offense and are based on probable cause. Criminal search warrants are executed without prior notice and often by force. They must be executed within a short time period (10 days) because they are issued upon the basis that specific evidence of a crime is present at the time of the warrant application.

An inspection warrant will direct authorized City code enforcement personnel to conduct an inspection of a premises for civil enforcement purposes. Such warrants may authorize the photographing, recording or non-destructive testing of property or physical conditions to enforce the code provisions. An inspection warrant may be issued for inspections based on credible evidence of code violations, inspections to comply with legislative or administrative standards, inspections required in conjunction with the issuance of required permits, or inspections to assure that previous violations have been corrected. Such warrants may be executed by authorized code enforcement personnel. Police officers will only accompany code enforcement personnel when there are specific safety concerns. The time period for execution of an inspection warrant is increased to 45 days because the warrant is not predicated upon the immediate seizure of evidence. This additional time will allow inspections to be scheduled with the responsible persons.

The guidelines and procedures established by this legislation place restrictions on City powers already recognized by the courts. Courts have approved the issuance of inspection warrants for code compliance without similar protections. The prior notice requirements contained in this legislation are above and beyond any currently recognized requirements and minimize the impact of inspection warrants on City residents. Judicial review and oversight of inspection warrants is fully maintained, but the judicial authority to issue warrants is constrained in certain respects. Inspection warrants may only be executed during reasonable hours between 7 a.m. and 8 p.m., and without the use of force. Owners and occupants will also have the opportunity to schedule the inspection at a convenient time, as opposed to being fully subject to the schedule of the inspector. The strict time requirements for execution of a warrant are relaxed from 10 days to 45 days in order to allow for the convenient scheduling of inspections. Issues relating to compliance with the requirements of an inspection warrant will be determined by the court through application by an owner or occupant or through application by the City pursuant to the contempt procedures set forth in the Judiciary Law.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 30

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO INSPECTION WARRANTS

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 Article I by designating the current Sections 1-1 through 1-8 as Part A, General Provisions, and by adding thereto a new Part B, Judicial Warrants for Inspections of Premises, to include the current Section 1-9, Inspections for code compliance, as amended and renumbered as Section 1-11 herein, and the following new Sections 1-9, 1-10 and 1-12 through 1-25; which Part B shall read in its entirety as follows:

Part B. Judicial Warrants for Inspections of Premises.

§ 1-9. Purpose and authority.

In order to promote the health and safety of its residents and visitors, the City enforces numerous laws relating to the construction, alteration, maintenance, repair, operation, use, condition or occupancy of a premises. These laws include laws such as the New York State Uniform Fire Prevention and Building Code, which the City is required to enforce on behalf of the State. In many instances, enforcement is possible only through inspections conducted in or on the premises itself. Most owners and occupants of a premises consent to necessary inspections and, when violations are found, promptly make corrections necessary to bring the premises into compliance with applicable codes. However, the City has recently encountered increasing numbers of owners and/or occupants who do not allow, fail to schedule, or unduly delay inspections. The City has particularly found this to be the case in the enforcement of provisions significantly affecting the health or safety of City tenants, such as the Lead-Based Paint Poisoning Prevention Code, found in Article III of Chapter 90, the Property Conservation Code. The City cannot allow the enforcement of these important health and safety codes to rest upon the desires of the owner or occupant of the premises. The enforcement of these provisions is especially important to a large number of residents of the City, such as children, the disabled and the elderly, who may be unable to recognize the dangers in their premises or to take the necessary steps to protect themselves. The United States Supreme Court and the New York State Court of Appeals have recognized the right of persons to require a warrant for inspections of premises in certain circumstances and have established standards for the issuance of such warrants. While New York Courts have issued warrants for the inspection of premises on the basis of the Supreme Court and New York Court of Appeals decisions and have applied in part the procedures for search warrants established in the Criminal Procedure Law, New York State

statutes do not establish specific procedures or requirements for the issuance of warrants for inspections of premises. In the absence of State statutes, the City wishes to establish guidelines which meet constitutional requirements for the issuance by the courts of judicial warrants for the inspection of premises within the City. Such guidelines are particularly appropriate in the City due to absentee ownership of a significant number of premises, the age of City housing, and the difficulty in obtaining consent for necessary inspections. The guidelines will provide a process for issuing such warrants and will apprise landlords, tenants and all persons of the procedures and requirements to be followed by the City in obtaining and executing inspection warrants. These provisions will promote the health, safety and welfare of the City and all of its residents and visitors. Authority for the adoption of such guidelines is found in, but not limited to, the home rule and police powers found in Article IX, Section 2 of the New York State Constitution, Section 10 of the Municipal Home Rule Law and Section 20 of the General City Law, and are necessary for the proper administration and enforcement by the City of the Uniform Fire Prevention and Building Code as required in 19 NYCRR Part 1203, promulgated pursuant to Section 381 of the Executive Law.

§ 1-10. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

DESIGNATED CITY OFFICER OR EMPLOYEE - An officer or employee of the City of Rochester who occupies a position in which he or she is authorized by New York State Law or the City Charter of the City of Rochester to enforce the PROPERTY CODES in the City.

INSPECTION WARRANT or JUDICIAL WARRANT FOR INSPECTION OF PREMISES - A written order signed by a Judge of the Rochester City Court, Monroe County Court or New York State Supreme Court directing a designated City officer or employee to conduct an inspection of a premises for civil enforcement purposes only in conjunction with the administration and enforcement of the PROPERTY CODES, which inspection may include the photographing, recording or non-destructive testing of property or physical conditions found thereon or therein.

PREMISES - A lot, plot or parcel of land, together with the buildings and structures thereon.

PROPERTY CODE - The Property Conservation Code, Building Code, Plumbing Code, Fire Prevention Code, Zoning Code, Health Ordinance, New York State Uniform Fire Prevention and Building Code, or any other Federal, State, County or City law, ordinance, rule or regulation relating to the construction, alteration, maintenance, repair, operation, use, condition or occupancy of a premises located within the City.

§ 1-11. Inspections for code compliance.

No local law or ordinance of the City shall be construed to require a person to consent to an inspection of a premises in order to determine compliance with applicable code provisions. However, this provision shall not be construed to remove the obligation of a person to apply for and secure a required license, permit, certificate or other City approval relating to the construction, alteration, maintenance, repair, operation, use, condition or occupancy of a premises. When applying for a license, permit, certificate or other City approval which calls for an inspection, a person shall have the right to decline to consent to the inspection, and the issuing authority may, without further notice to the applicant, apply for an inspection warrant to conduct the required inspection. However, if the premises is occupied, notice to the occupant or other person with apparent right of possession in accordance with § 1-14 shall be required.

§ 1-12. Right of entry.

In the performance of official duties, subject to the further requirements established in this Part and the obtaining of a warrant when the same is constitutionally required, designated City officers or employees may enter premises to enforce the Property Codes.

§ 1-13. Entry without notice or inspection warrant.

This Part shall not be construed to require either an inspection warrant or prior notice to enter or inspect a premises under circumstances in which a warrant is not constitutionally required.

§ 1-14. Notice of intent to conduct inspection.

Before an application may be made for an initial inspection warrant, the designated City officer or employee must give prior notice of his or her intent to conduct an inspection to the occupant or other person with apparent right of possession or, in the case of an unoccupied premises, to the owner, the owner's agent or other person in apparent control of the premises. No notice is required to an applicant who has declined to consent to an inspection when applying for a license, permit, certificate or other City approval which calls for an inspection. No further notice is required before additional inspection warrants are sought to inspect a premises, including warrants to re-inspect a premises to determine if cited violations have been corrected, or additional warrants necessitated by the expiration of a warrant before an inspection could be completed, in the same case or any cases relating to the same premises and arising concurrently.

§ 1-15. Contents of notice.

The notice of intent to conduct an inspection shall:

- A. State the date and time at which the designated City officer or employee will be pre-

sent to conduct an inspection;

- B. Inform the person notified that he or she may reschedule the inspection to a reasonable date and time by contacting the designated City officer or employee before the stated date; and
- C. Advise that if the inspection is not allowed to be conducted, the designated City officer or employee may make an application to Rochester City Court, Monroe County Court or New York State Supreme Court for an inspection warrant.

§ 1-16. Service of notice when premises is occupied.

If the premises is occupied, the notice of intent to conduct an inspection must be either sent by first class mail or personally delivered to the occupant or person with apparent right of possession. The notice shall be addressed to the occupants of record if their names are provided to the City by the owner in writing, otherwise notice shall be sufficient if addressed to the "occupant" of the particular unit.

§ 1-17. Service of notice when premises is unoccupied.

If the premises is unoccupied, the notice of intent to conduct an inspection must be mailed by first class mail to the owner's tax mailing address for the premises or be personally served upon the owner.

§ 1-18. Inspection warrant application with prior notice.

A Department Head or a designated City officer or employee authorized by the Department Head may make an application to Rochester City Court, Monroe County Court or New York State Supreme Court for an inspection warrant to conduct an inspection after notice of intent to conduct an inspection has been given, if the person notified does not allow, fails to schedule, or unduly delays the inspection.

§ 1-19. Inspection warrant application without prior notice.

A Department Head or a designated City officer or employee authorized by the Department Head may apply for an initial inspection warrant without giving the prior notice of intent to conduct an inspection as required by §1-14 if there is credible evidence to believe that a violation of a Property Code exists which immediately and significantly endangers the health or safety of any person.

§ 1-20. Authority to seek inspection warrant.

A Department Head or a designated City officer or employee authorized by the Department Head may make an application in accordance with this Part to Rochester City Court, Monroe County Court or New York State Supreme Court for an inspection

warrant to conduct an inspection or to take any other authorized action to administer and enforce the Property Codes.

§ 1-21. Factors to be considered when applying for an inspection warrant.

A Department Head shall consider whether one or more of the following guidelines have been met in determining whether to authorize an application for issuance of an inspection warrant:

- A. There is credible evidence to believe that the construction, alteration, maintenance, repair, operation, use, condition or occupancy of the subject premises is in violation of any applicable Property Code; or
- B. Reasonable legislative or administrative standards for conducting an inspection in conjunction with the administration and enforcement of the Property Codes are satisfied with respect to the subject premises and the occupants and/or the owner have not allowed, have failed to schedule, or have unduly delayed the inspection of the premises; or
- C. An application for a Certificate of Occupancy, Business Permit, permit, license or other similar instrument which authorizes the construction, alteration, maintenance, repair, operation, use, condition or occupancy of the premises has been submitted and the occupants and/or the owner have not allowed, have failed to schedule, or have unduly delayed the inspection of the premises; or
- D. A re-inspection of the premises is necessary to determine whether previously cited violations of the Property Codes have been corrected, and the occupants and/or the owner have not allowed, have failed to schedule, or have unduly delayed the inspection of the premises.

§ 1-22. Applications for inspection warrants.

The application for an inspection warrant must:

- A. Be in writing, stating the name of the Court to which it is addressed;
- B. State the name, department, title and code enforcement authority of the Department Head or the designated City officer or employee authorized by the Department Head who is the applicant;
- C. State the date of the making of the application;
- D. Describe the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted in order to assure that any observations, findings and evidence obtained through execution of the inspection warrant shall be restricted to use

in civil enforcement proceedings only;

- E. Identify the premises to be entered and inspected in sufficient detail and particularity so that the designated City officer or employee executing the inspection warrant may readily ascertain the premises;
- F. In cases where prior notice of intent to conduct an inspection is required, provide specific information showing how and when notice has been given, and how the inspection has not been allowed, has not been scheduled, or has been unduly delayed by the person notified;
- G. State facts based upon personal knowledge of the applicant or upon information and belief, provided that in the latter event the sources of such information and the grounds of such belief are stated, sufficient to demonstrate probable cause for the issuance of an inspection warrant;
- H. Be subscribed and sworn to by the applicant; and
- I. Request that the Court issue an inspection warrant directing an inspection of the subject premises for civil enforcement purposes only, which inspection may include the photographing, recording or non-destructive testing of property or physical conditions found thereon or therein, subject to such limitations and restrictions as may be provided by the Court.

§ 1-23. Issuance of an inspection warrant.

- A. Determination of application.
 - (1) In determining an application for an inspection warrant, the Court may examine, under oath, any person whom it believes may possess pertinent information. Any such examination may be recorded or summarized on the record by the Court.
 - (2) If the Court is satisfied that there is probable cause to issue an inspection warrant, it may grant the application and issue an inspection warrant directing an inspection of the premises described in the application, subject to such limitations and restrictions as may be provided by the Court.
 - (3) The inspection warrant may be requested in the form of an original and two copies.
- B. The City shall prepare and attach to its application to the Court a proposed inspection warrant for its consideration which may:
 - (1) Be in writing, stating the name of the issuing Court and containing a signa-

ture line for the subscription of the issuing judge;

- (2) State the name, department, title and code enforcement authority of the designated City officer or employee authorized to conduct the requested inspection and to whom it is addressed;
- (3) Contain a place for the Court to indicate the time and date the warrant was issued and the duration of the warrant;
- (4) State the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted in order to assure that any observations, findings and evidence obtained through execution of the inspection warrant shall be restricted to use in civil enforcement proceedings only;
- (5) Identify the premises to be entered and inspected in sufficient detail and particularity so that the designated City officer or employee executing the warrant may readily ascertain the premises to be inspected;
- (6) Provide that a police officer, if requested by the designated City officer or employee for safety purposes, may assist in the execution of the inspection warrant;
- (7) For warrants for inspections of premises containing multiple dwelling units, contain a provision which authorizes a single entry into each unit, which entry need not occur at the same date and time for all units, but which entries must occur before the expiration of the warrant;
- (8) Direct an inspection of the subject premises for civil enforcement purposes only, which inspection may include the photographing, recording or non-destructive testing of property or physical conditions found thereon or therein;
- (9) Direct that the inspection warrant be executed between the hours of 7:00 a.m. and 8:00 p.m., or when the Court has specially so determined based upon the use of the premises at other hours or other special circumstances of the premises, direct execution thereof at other times of the day or night, without the use of force;
- (10) Direct that the inspection warrant authorizing entry to the premises shall be delivered to the occupant at the time of the inspection. The Court may additionally authorize service of

the inspection warrant by means of confirmation mail, in which case the inspection warrant shall require the owner and/or occupants to provide the designated City officer or employee with a reasonable date and time to conduct the inspection, which date and time must be within seven (7) days of receipt of the warrant; and

- (11) Contain a notice to the owner and occupants that it is unlawful to willfully deny or unduly delay entry or access to any premises to a designated City officer or employee with an inspection warrant authorizing inspection of said premises, to willfully deny or unduly delay or interfere with the inspection authorized by the warrant, or to willfully fail to timely set a reasonable date and time for an inspection as required by the Court, and that such actions may result in punishment for contempt of court pursuant to Article 19 of the Judiciary Law, which punishment may consist of a fine or imprisonment, or both.

§ 1-24. Execution of an inspection warrant.

- A. Except as provided in Subsection B of this Section, in executing an inspection warrant, the designated City officer or employee authorized by the Court to execute the warrant shall, before entry, make a reasonable effort to present his or her credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant, and to deliver a copy of the warrant to the occupant or person in possession of the premises.
- B. In executing an inspection warrant, the designated City officer or employee authorized to execute the warrant may promptly enter the designated premises if it is or is reasonably believed to be vacant and unsecured. Such designated City officer or employee need not provide notice of his or her authority and purpose as prescribed in Subsection A of this section.
- C. A police officer may be requested to assist in the execution of the inspection warrant for safety purposes.
- D. An inspection warrant issued shall be executed within:
 - (1) The time specified in the warrant, not to exceed forty-five (45) days; or
 - (2) If no time is specified therein, within forty-five (45) days from its date of issuance.

§ 1-25. Unlawful actions.

It shall be unlawful for any person to willfully

deny or unduly delay entry or access to any premises to a designated City officer or employee with an inspection warrant authorizing inspection of said premises, to willfully deny or unduly delay or interfere with the inspection authorized by the warrant, or after receiving a copy of an inspection warrant requiring the scheduling of an inspection, to willfully fail to schedule a reasonable date and time for the inspection as set forth in the inspection warrant. Any person who violates this Section shall be subject to an application to be found in contempt of court pursuant to Article 19 of the Judiciary Law, and punishment as provided for therein may include a fine or imprisonment, or both.

Section 2. This local law shall take effect three weeks after the date of its adoption.

Held in Committee.

Introductory No. 31

AMENDING THE MUNICIPAL CODE WITH RESPECT TO INSPECTION WARRANTS

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

Section 1. Section 39-210 of the Municipal Code, Performance of work under building permit, as amended, is hereby further amended by deleting the word "search" in both places that it appears in Subsection B thereof and by inserting in its place the word "inspection".

Section 2. Section 40-18 of the Municipal Code, Issuance of a permit, as amended, is hereby further amended by deleting the word "search" in both places that it appears in Subsection E thereof and by inserting in its place the word "inspection".

Section 3. This ordinance shall take effect immediately.

Held in Committee

By Councilmember Warren
January 20, 2009

To the Council:

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

Int. No. 2 - Authorizing The Sale Of Real Estate

Int. No. 3 - Appropriating Funds For The Neighbors Building Neighborhoods Program

Int. No. 4 - Extending Rights Relating To The Plymouth Gardens, Seth Green Park And Cobbs Hill Village Housing Projects

Int. No. 18 - Amending Chapter 90 Of The Municipal Code, Property Conservation Code, To

Establish A Building Owner's Registry

Int. No. 20 - Amending The 2008-09 Budget For Lead Poisoning Prevention

Int. No. 32 - Authorizing An Agreement For Development Of A Brown Square Park Festival Site

Int. No. 33 - Authorizing An Application And Agreement For The Neighborhood Stabilization Program

Int. No. 477 - Authorizing Amendatory 2007-08 And 2008-09 Community Development Program Plans And Authorizing Agreements For The Emergency Assistance Repair Program, As Amended

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

Int. No. 5 - Authorizing Amendatory 2004-05, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinance No. 2008-259 And Authoring A Loan Agreement For The Erie Harbor Project

Int. No. 6 - Changing The Zoning Classification Of 431 West Main Street From C-2 Community Center To CCD-M Center City-Main Street

Int. No. 7 - Changing The Zoning Classification Of 488-546 South Clinton Avenue From C-2 Community Center to CCD-B Center City-Base

The following entitled legislation is being held in Committee:

Int. No. 19 - Authorizing An Amendatory Agreement For The Focused Investment Strategy

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-2
Re: Sale of Real Estate

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

The five properties are unbuildable vacant lots that

are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,396.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-1

Ordinance No. 2009-2
(Int. No. 2)

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 unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
25 Carl St 106.31-1-7	38x94 Roy McClain	3,572
279 Bernard St 106.25-3-53	37x143 Concilio De Inglesia Cristo Missionera, Inc.*	5,291
760 North St 106.41-3-55.1	66x79 Pablo Cruz	5,214
21 Barons St 106.32-3-25	35x135 Mary Terry	4,725
33 Averill Ave 121.63-1-9.3	14x150 William & Barbara Saunders	2,100

* Principals: Rev. Roberto Rios, President; Vilma Bonilla, Trustee; Noelia Alvarado, Trustee; Marilyn Vega, Trustee; Eloy Cruz, Trustee

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2008-3
Re: Consolidated Community
Development Plan, Neighbors
Building Neighborhoods
Appropriation

Transmitted herewith for your approval is legislation appropriating \$2,000 from the Support Neighbors Building Neighborhoods allocation of the 2004-05 Consolidated Community Development Plan for the Neighbors Building Neighborhoods (NBN) Program and authorizing any agreements necessary for program implementation.

As you are aware, the NBN Program provides assistance to neighborhood associations in the preparation of strategic plans and the identification of short- and long-term goals for their sector areas. To date each NBN sector has completed three rounds of action plans and the subsequent implementation of their community strategies and action steps.

The next update of the ten sector action plans are due to be completed by June 2009. The funds will be used for support of the NBN5 planning update process, including the continuation and marketing of these activities, and administrative costs of NBN committees.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-3
(Int. No. 3)

Appropriating Funds For The Neighbors Building Neighborhoods Program

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

Section 1. There is hereby appropriated from the Neighbors Building Neighborhoods allocation of the 2004-05 Community Development Program the sum of \$2,000, or so much thereof as may be necessary, to fund the Neighbors Building Neighborhoods Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-4
Re: Agreements - Plymouth Gardens,
Inc.

Transmitted herewith for your approval is legislation related to the refinancing of three affordable housing projects owned by Plymouth Gardens, Inc. and managed by Rochester Management. This legislation will:

1. Authorize an extension of the reversionary interest of the City in the Seth Green Park and Cobbs Hill Village parcels for 32 years, to October 10, 2041;
2. Authorize an extension of the maturity date of the income debentures connected with each project to the same date, October 10, 2041;
3. Consent to the properties being mortgaged to The Community Preservation Corporation; and
4. Accept payment in the amount of \$250,000 for the extensions and mortgage consent.

The three projects, Plymouth Gardens, Seth Green Park, and Cobbs Hill Village, were built as affordable senior housing under the Limited Profit Housing Companies Law (now Article 2 of the Private Housing Finance Law). Ownership of the properties on which the apartments are built was conveyed by the City in 1961, 1958 and 1957, respectively. The original agreements for Seth Green Park and Cobbs Hill Village stated that, following completion of mortgage payments, ownership would revert to the City. The agreement for Plymouth Gardens does not provide for the project to revert to the City after a fixed period of time.

The properties are tax exempt as of right under Section 422 of the Real Property Tax Law so long as the premises are maintained and occupied for rental to senior citizens.

The buildings are now in need of major rehabilitation and systems replacement, with costs estimated at \$3.031 million. Refinancing is necessary to fund this expense. Extending the reversion agreement for Seth Green Park and Cobbs Hill Village to cover the term of the new mortgage will allow Plymouth Gardens, Inc. to qualify for funding.

Rochester Management has agreed to pay the City \$250,000; this amount will be paid as follows:

1. A cash payment of \$65,000 upon completion of the capital projects, estimated in May 2010.
2. Additional payments per year made from available surplus cash of up to \$15,000 per year until a total of \$185,000 is reached. This obligation will exist until the \$185,000 is paid in full.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2009-4
(Int. No. 4)

Extending Rights Relating To The Plymouth Gardens, Seth Green Park And Cobbs Hill Village Housing Projects

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Plymouth Gardens, Inc. relating to rights for the Plymouth Gardens (1331-1455 South Plymouth Avenue, SBL #135.35-1-17.1), Seth Green Park (1685 St. Paul Street, SBL #91.53-1-11.1) and Cobbs Hill Village (645 Norris Drive, SBL #122.62-1-1) Housing Projects. The agreement shall provide for an extension to October 10, 2041 of the date on which ownership of the Seth Green Park and Cobbs Hill Village Housing Projects parcels revert to the City. The agreement shall also provide for an extension to October 10, 2041 of the maturity date of the income debentures connected with the Plymouth Gardens, Seth Green Park and Cobbs Hill Village Housing Projects. The agreement shall also provide consent for a mortgage to the Community Preservation Corporation on the parcels for all of the Projects.

Section 2. The agreement shall obligate Plymouth Gardens, Inc. to pay to the City the sum of \$250,000, payable in the amount of \$65,000 upon completion of improvements to the Projects, and a further amount not to exceed \$15,000 annually until the full amount is paid.

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. 2009-5
Re: Building Owner Registry

Transmitted herewith for your approval is legislation establishing a Building Owner's Registry for non-owner occupied properties in the City of Rochester. The registry will provide contact information for City staff to use in cases of emergency or substantial property concerns.

The number of properties purchased in the city by non-local owners and/or corporate entities is increasing, making it difficult to determine: 1) the party responsible for keeping a property up to code and free of blight, and 2) whom to contact in the case of fire or other property damage in which quick action can save the property and/or its con-

tents.

Home and cellular phone numbers will be for City staff use only and will not be released to the public, consistent with current practice.

To save on administrative costs and ease compliance for owners, the legislation stipulates that the registry documentation be provided as part of the Certificate of Occupancy (C of O) process. Applicants for a C of O or renewal will be provided with a Registry form, and a C of O will not be granted until it is completed and filed. There will be no charge to owners for this program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-5
(Int. No. 18)

Amending Chapter 90 Of The Municipal Code, Property Conservation Code, To Establish A Building Owner's Registry

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

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, as amended, is hereby further amended by adding thereto the following new Section:

§ 90-20. Building owner's registry required.

- A. The owners of all buildings shall register with the City as required herein.
- B. The owners of all buildings existing as of the effective date of this Section shall register upon notice by the Director or upon submission of an application for a new or renewal certificate of occupancy.
- C. The owner of a new building shall register the building prior to allowing occupancy thereof.
- D. The owner of any building already registered with the City shall reregister within 10 days after any change occurs in registration information. A new owner of a registered building shall reregister the building within 10 days of assuming ownership.
- E. The City shall maintain a registry of all buildings containing the following information which shall be provided by the owner on forms available from the City:
 - (1) Name, street address and telephone number of the owner.
 - (2) If the owner is not a natural person, the name, street address and telephone number of the agent, manager or principal person responsible for the property shall also be provided on the application.

cation.

- (3) If the owner is a natural person who has designated an agent, manager or principal person responsible for the property, the name, street address and telephone number of such person shall also be provided on the application.
 - (4) For purposes of this Section, a post office box shall not be accepted as a street address. A telephone number may be designated as a business number, home number or cellular number.
 - (5) All notices of violation and other service of process upon an owner, if mailed, shall continue to be mailed to the owner's tax mailing address if such address has been provided by the owner to the City.
 - (6) The Council finds that the release of home or cellular telephone numbers provided in accordance with this Section would constitute an unwarranted invasion of personal privacy, as these telephone numbers serve the primary purpose of allowing the City to contact responsible persons in an emergency or when property concerns arise.
- F. This Section shall not apply to buildings that are owner-occupied one-family dwellings; buildings owned by federal, state or local government units; hospitals; schools, colleges or universities; or commercial or industrial buildings that maintain operations for 24 hours each day or that have security on site 24 hours each day. A single registration shall be required for all buildings on a property.

Section 2. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended by adding thereto the following new subsection F(3):

- (3) No certificate of occupancy shall be issued by the Department until the owner has registered with the City as required in Section 90-20.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-6
Re: Budget Amendment - Monroe
County Funding for Lead
Poisoning Prevention Efforts

Transmitted herewith for your approval is legislation amending the 2008-09 Budget of the Neigh-

borhood Service Centers to reflect the receipt and use of \$147,000 in funding from Monroe County for support of the Primary Prevention of Childhood Lead Poisoning Pilot Program and the City's ongoing efforts to increase the number of units in high risk areas that will be inspected for lead. These funds are part of a grant awarded to the County from the New York State Department of Health.

The County's contribution will support two full-time or equivalent inspection positions, a part-time clerk, and additional lead dust wipe tests. This support will enable the City to increase the number of lead safe housing units for children and families.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-6
(Int. No. 20)

Amending The 2008-09 Budget For Lead Poisoning Prevention

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Neighborhood Service Centers by the sum of \$147,000, which amount is hereby appropriated from funds to be received from the County of Monroe to supplement the Primary Prevention of Childhood Lead Poisoning Pilot Program and the City's lead poisoning prevention efforts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2009-7
Re: Agreement - Norris Design,
Feasibility Study and Master
Plan for Festival Site at Brown
Square

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with Norris Design of Denver, CO, for services related to the development of Brown Square Park, 225 Verona Street, as a festival site; and appropriating \$70,000 from the Neighborhood Improvements Account of the 2005-06 Consolidated Community Development Plan to fund the agreement.

Norris Design, a national parks and recreation planning and design firm, has included Larsen Engineering, a local firm, as part of their team for this project. Together, they will perform a com-

prehensive site analysis to determine how the Brown Square site fits the requirements for a variety of festivals and other special events. Along with City staff, they will conduct stakeholder interviews and public meetings to identify community concerns and needs.

Based on the site analysis and community input, Norris Design will produce two conceptual design options for the site, incorporating the needed activity areas, infrastructure, and special event/festival amenities. The report will contain short- and long-term recommendations, and options for capital improvements to support festivals and other special events with preliminary cost estimates. The two options will be shared with the community for additional feedback before a site design is finalized.

A Request for Qualifications issued in November 2007, was sent to approximately fifty local architectural and engineering firms with experience in planning and feasibility studies, and was posted on the City and the American Planning Association web sites. Responses were received from eight firms: Clark Patterson Lee (Rochester); EDAW Inc. (New York City); Environmental Design & Research (Syracuse); FRA (Henrietta, NY); KCI Engineering (Rochester); Lu Engineers (Penfield, NY); NAETZKER Urban Works (Rochester); and Norris Design. The internal review committee requested additional information (proposed works plans and budgets) from six firms. After review, the committee requested oral presentations from EDAW, EDR, and Norris. Norris Design is recommended based on the qualifications and experience of the project team, understanding of the project and proposed approach and work program.

Norris Design will act as the lead firm and oversee public input and design for the project. Larsen Engineering will oversee the site analysis, including transportation, environmental, and civil engineering aspects. Team members include experienced park and recreation planning and design professionals with extensive experience in public facilitation, programming, historical preservation and special events.

The project is expected to begin in February 2009 and be completed by June 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-7
(Int. No. 32)

Authorizing An Agreement For Development Of A Brown Square Park Festival Site

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Norris Design for services related to the development of a festival site at Brown Square Park.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Palumbo, Pritchard, Spaul - 5.

Nays - Councilmember Miller - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-8
Re: New York State Grant Application -
Neighborhood Stabilization Program
Funds

Transmitted herewith for your approval is legislation authorizing an application to the New York State Housing Finance Agency (HFA) for a grant of Neighborhood Stabilization Program (NSP) funds provided by the US Department of Housing and Urban Development (HUD) and the New York State Affordable Housing Corporation (AHC). The City's application will request up to \$5.5 million.

These grant funds are part of the \$3.9 billion Federal allocation to the Neighborhood Stabilization Program Fund created to address the impact of foreclosures in communities across the nation. The City and Monroe County are eligible to submit a grant proposal for a portion of the New York State allocation of \$53 million. The State has made an additional \$10 million available through the Affordable Housing Corporation and will be awarding those funds through the same application process.

The majority of the grant will support an expansion of the City's Home Rochester program that acquires vacant foreclosed properties, rehabilitates them and sells them to income-qualified, owner-occupant purchasers. In accordance with NSP eligible activities, the funds will be used to: assist in the creation of funding facilities for construction financing; provide subsidies to acquire and renovate homes; demolish property in blighted areas; and redevelop vacant properties.

The Neighborhood Stabilization Fund program requires 40% of the funds to be used for permanent housing units servicing households of less than 50% of area median income. The remainder of the funds can be used to create housing units servicing households up to 120% of area median

income. The investment of NSP funds is limited to areas of the greatest need as determined by HUD. All Monroe County census tract block groups that meet HUD's "greatest need" criteria are located within the City of Rochester.

Applications for funding are due on February 10, 2009. Funds will begin to be allocated within four months of award.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-2

Ordinance No. 2009-8
(Int. No. 33)

Authorizing An Application And Agreement For The Neighborhood Stabilization Program

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Housing Finance Agency for Neighborhood Stabilization Program grant funds provided by the United States Department of Housing and Urban Development and the New York State Affordable Housing Corporation.

Section 2. The 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.

Introductory No. 477 was introduced December 23, 2008 and appears in its original form with its transmittal letter on page 411 of the 2008 Council Proceedings.

Attachment No. AI-3

Ordinance No. 2009-9
(Int. No. 477, As Amended)

Authorizing Amendatory 2007-08 And 2008-09 Community Development Program Plans And Authorizing Agreements For The Emergency Assistance Repair Program

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

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Improving the Housing Stock and General Property Conditions allocations, the sums of \$1,000,000 in 2008-09 and \$100,000 in 2007-08 are transferred from the Residential Assistance Program Accounts to new accounts for the Emergency Assistance Repair Program.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$1,000,000 and from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$100,000, or so much thereof as may be necessary, to fund the Emergency Assistance Repair Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Emergency Assistance Repair Program. The Mayor shall prepare a quarterly report to be submitted to City Council showing that all neighborhoods in each quadrant have been serviced equitably under the Program. The first report shall be due after the Program has been in operation for six months.

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

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-10
Re: Erie Harbor/Redevelopment of
River Park Commons

Transmitted herewith for your approval is legislation authorizing a loan in the amount of \$2,000,000 to Conifer Realty LLC, or an affiliated partnership or housing development fund corporation to be formed by Conifer Realty, LLC, for the development of Erie Harbor, which requires the following additional actions:

1. To finance the loan:
 - a. Appropriate \$1,100,000 from the Housing Development Fund of the 2008-09 HOME Program;
 - b. Amend the Consolidated Community Development Plans as follows:

<u>Year</u>	<u>To</u>	<u>From</u>	<u>Amount</u>
2006-07		NBN Streetscape Rental Housing Fund	\$250,000
2007-08		NBN Streetscape Rental Housing Fund	\$250,000
2004-05		Relocation Assistance Rental Housing Fund	\$400,000

- c. Amend Ordinance No. 2008-259 by reducing the appropriation for Relocation Assistance from the Improving the Hous-

ing Stock and General Property Conditions allocation from \$500,000 to \$100,000, and re-appropriating the \$400,000 to fund the above loan; and

2. Appropriate \$500,000 from the Rental Housing Fund of the 2006-07 and 2007-08 Consolidated Community Development Plans to fund the above loan; and
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the project.

Conifer Realty purchased the general partner interest in River Park Commons in April 2004 and is redeveloping the site as two projects:

Hamilton Apartments includes the rehabilitation of the high-rise, and the environmental remediation of the site. Renovation is expected to be completed by February 2010; the environmental remediation is nearly complete.

Erie Harbor includes the demolition of the existing four low-rise structures, and subsequent redevelopment of approximately 130 units of rental housing, 20% of which will be reserved for low-income households.

The City has committed \$3.3 million to the redevelopment of River Park Commons. Related City Council actions have included the following:

<u>Ord. No.</u>	<u>Purpose</u>
2004-78	Authorized a Memorandum of Understanding with Conifer Realty, LLC
2005-377	Appropriated \$1 million for the Hamilton Apartments
2008-90	Appropriated \$800,000 for relocation of tenants of the low-rise structures
2008-208	Authorized property tax exemption and PILOT agreement (amended by Ord. No. 2008-291)
2008-259	Amended Ord. No. 2005-377 to shift \$500,000 to Erie Harbor, and to shift funding for relocation assistance from a combination of HOME and CDBG funds to solely CDBG funds

Ordinance No. 2008-259 results in City construction/permanent financing of \$500,000 for the Hamilton Apartments, \$2,000,000 for Erie Harbor, and \$800,000 for relocation assistance. Only half of the relocation funds will be needed; the remaining \$400,000 will provide the balance of the \$2,000,000 loan to Conifer, effectively reducing the total City funding required from \$3,300,000 to \$2,900,000.

The \$500,000 in CDBG funds requested above replace the \$500,000 in bond funds allocated for River Park Commons in the 2008-09 Capital Im-

provement Program. The bond amount will be used for public improvements in eligible neighborhoods, the original purpose of the CDBG funds.

Conifer will use the loan for asbestos abatement and demolition, and for construction and permanent financing for the projects. During asbestos abatement, demolition, and construction, the City loan shall be provided as construction financing at a 1% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of thirty years, with annual interest-only payments of 1% and payment of the principal due in full at the end of the term.

The rezoning of both sites was approved by City Council in December 2008. A Final Environmental Impact Statement (FEIS) was released in November 2008. Relocation of the tenants in the low-rise structures will be complete by February 2009. Conifer anticipates that asbestos abatement on the low-rise structures will be completed in time for a Spring 2009 start of demolition. Construction of the new rental structures could start by the end of 2009. Conifer expects to apply for permanent financing in the first quarter of 2009.

Funding for Erie Harbor is as follows:

Source

Mortgages	
Conventional	\$14,473,248
City Loan	2,000,000
HFA Subsidy Funds	3,000,000
NYS LWRP	400,000
Equity - LIHTC	1,905,557
Equity - Brownfield	3,174,116
Equity - General Partner	<u>1,798,045</u>
Total	\$26,750,966

Use

Site Acquisition	\$ 0
Construction/demolition Costs	19,603,910
Professional Services	960,000
Finance Costs	1,373,930
Carrying Costs	100,000
Project Contingency	802,500
Fees/Permits	160,500
Development Fees	3,450,126
Working Capital	<u>300,000</u>
Total	\$26,750,966

A public hearing on the Consolidated Plan amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-10
(Int. No. 5)

Authorizing Amendatory 2004-05, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinance No. 2008-259 And Authorizing A Loan Agreement For The

Erie Harbor Project

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

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the 2006-07 and 2007-08 Improving the Housing Stock and General Property Conditions allocations, the sum of \$250,000 in each year shall be transferred from the NBN Streetscapes Accounts to new Rental Housing Funds.

Section 2. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby, within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$400,000 shall be transferred from the Relocation Assistance Account to the Rental Housing Fund.

Section 3. The Mayor is hereby authorized to enter into a loan agreement with Conifer Realty LLC, or an affiliated partnership or housing development fund corporation to be formed by Conifer Realty LLC, for the development of Erie Harbor. During construction, the City loan shall be provided as construction financing at a 1% interest rate. When the loan is converted to permanent financing, the loan shall extend for a term of 30 years, with interest at the rate of 1%. Annual interest-only payments shall be required during the term of the loan. Payment of principal shall be due in full at the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 4. The loan agreement shall obligate the City to pay an amount not to exceed \$2,000,000, and of said amount, or so much thereof as may be necessary, \$1,100,000 is hereby appropriated from 2008-09 HOME Program Funds, \$250,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program, \$250,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program, and \$400,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program.

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

Section 6. Ordinance No. 2008-259, relating to the redevelopment of River Park Commons, is hereby amended by reducing the amount appropriated for relocation assistance in Section 2 from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program by the sum of \$400,000, from \$500,000 to \$100,000, which

amount is transferred and reappropriated herein.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-11
Re: Zoning Map Amendment -
Rezoning 431 W. Main Street
From C-2 Community Center
To CCD-M Center City
District - Main Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the parcel at 431 W. Main Street from C-2 Community Center District to Center City District - Main Street (CCD-M). The property is owned by Hahn Automotive and used as a parking lot for the Hahn Automotive distribution facility located at 405-417 W. Main Street, located in the CCD-M district. The requested rezoning will provide consistent zoning designations for both the parking lot and the distribution facility.

Hahn Automotive recently donated an easement over a portion of the 431 W. Main Street parcel to the City to provide public access to the Troup Street Park from W. Main Street, and for the proposed installation of a historic marker to commemorate the location that Susan B. Anthony first voted in 1876. City Council accepted the easement in August 2008 (Ordinance No. 2008-292).

The easement area will serve as a buffer for any future development of the 431 W. Main Street parcel. New construction in the CCD-M district will require site plan approval. The property obtained temporary approval for parking from the City Planning Commission in June 2006.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is subject to environmental review.

The Planning Commission held an informational hearing on December 8, 2008. There were three speakers in support of this proposal and no speakers in opposition. By a vote of 4-0-0, the Commission recommended approval to City Council.

A public hearing on the zoning map amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-4

Ordinance No. 2009-11
(Int. No. 6)

Changing The Zoning Classification Of 431

West Main Street From C-2 Community Center To CCD-M Center City-Main Street

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 431 West Main Street, from C-2 Community Center to CCD-M Center City -Main Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 51 of the 20,000 Acre Tract and being more particularly bounded and described as follows: Beginning at a point on the southerly ROW line of West Main Street (66' ROW) at the northeasterly corner of Third Ward Urban Renewal Disposition Parcel 43-B-4, said point also being 1048.66 feet northeasterly from the westerly ROW line of Reynolds Street (50' ROW) and being the Point or Place of Beginning; thence

- 1) Southerly along the easterly line of said Disposition Parcel 43-B-4, a distance of 340.95 feet to the southeasterly corner thereof; thence
- 2) Westerly, along the south line of said Disposition Parcel, a distance of 190.00 feet to the southwest corner thereof; thence
- 3) Northerly, along the westerly line of said Disposition Parcel and it's northerly extension, a distance of 318 feet, more or less, to the centerline of said West Main Street; thence
- 4) Northeasterly, along said centerline, a distance of 197 feet, more or less, to the northerly extension of said easterly line of Disposition Parcel 43-B-4; thence
- 5) Southerly, along said extension, a distance of 35 feet, more or less, to the said northeast corner of Disposition Parcel 43-B-4, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-12
Re: Zoning Map Amendment -
Rezoning Properties Between
488 and 546 S. Clinton Avenue
From C-2 Community Center to
CCD-B Center City District Base

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 10 parcels on S. Clinton

Avenue from C-2 Community Center District to Center City District - Base (CCD-B). The rezoning is requested by ABVI in conjunction with their proposed "Centennial Campus" development, an \$8.3 million project. Having all parcels within the same zoning designation will streamline the approval process and fulfill eligibility requirements for certain funding sources.

The ABVI offices and the Goodwill retail store, 422 and 429-455 S. Clinton Avenue, respectively, are located within the CCD-B zoning district. ABVI is requesting rezoning for the following properties it has purchased on S. Clinton Avenue:

<u>Address</u>	<u>Use</u>
488	Single family - to remain
494	Single family - to be demolished
490, 498, 504, 506, 510, 514, 520	Vacant land
526-546	24-hour call center/warehouse/distribution

The project area, 12 properties, is approximately 6.3 acres. The plans include a number of building demolitions; an 1,800 square-foot addition to consolidate and expand the ABVI Call Center; an 18,000 square-foot addition to the Vision Rehabilitation Center for the provision of family services and after school programs; alterations and renovations to the existing office building at 422 S. Clinton Avenue; alterations to expand the existing Goodwill retail store at 429 S. Clinton Avenue; and the construction of accessory parking. The redevelopment plan will occur in four phases commencing in 2009, with anticipated completion in 2011.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted; the Director of Zoning as lead agency has issued a negative declaration.

The Planning Commission held an informational hearing on December 8, 2008. There were no speakers in support or in opposition to the proposed rezoning. By a vote of 4-0-1, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-5

Ordinance No. 2009-12
(Int. No. 7)

Changing The Zoning Classification Of 488-546 South Clinton Avenue From C-2 Community Center To CCD-B Center City-Base

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 488-546 South Clinton Avenue, from C-2 Community Center to CCD-B Center City -Base:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 11, Township 8, Range 7 and being more particularly bounded and described as follows: Beginning at a point on the easterly ROW line of South Clinton Avenue (60' ROW) at the northwest corner of Lot 11, Section E of the Williams Tract, as filed in the Monroe County Clerk's Office in Liber 7 of Maps, Page 73, said corner being 521.41 feet north of the northerly ROW line of Alexander Street (54' ROW) and being the Point or Place of Beginning; thence

- 1) Northeasterly, along the north line of said Lot 11 and it's extension, a distance of 301 feet, more or less, to the center travel-way of NYS Interstate 490; thence
- 2) Southeasterly, along said center travel-way, a distance of 460 feet, more or less, to the easterly extension of the south line of Lot 12, Section P of said Williams Tract; thence
- 3) Southwesterly, along the south line of said Lot 12 and it's extension, a distance of 341 feet, more or less, to the centerline of said South Clinton Avenue; thence
- 4) Northwesterly, along said centerline, a distance of 463 feet, more or less, to the westerly extension of said north line of Lot 11; thence
- 5) Northeasterly, along said extension, a distance of 30.0 feet to the said northwest corner of Lot 11, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 19 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Miller, Palumbo, Pritchard, Spaul - 6.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-13
Re: Amendatory Agreement - Enterprise
Community Partners, Focused
Investment Strategy Consulting

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Enterprise Community Partners, Rochester, for continued support in the implementation of the Focused Investment Strategy (FIS); and appropriating \$60,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Block Grant to fund the additional cost.

This amendment will increase maximum compensation by \$60,000, for a total of \$122,500. The original agreement, authorized in July 2008, established maximum compensation at \$62,500 and a term of 12 months to expire June 30, 2009.

The Focused Investment Strategy involves concentrating a portion of the City's CDBG resources to observe a visible change in specific neighborhoods within three to five years. A community process determined the criteria for identifying neighborhoods for FIS. In August 2008, four FIS areas were approved:

Beechwood. Includes the High Priority Streets and extends north to Bay Street, Greeley to Melville to the east, Melville Street between Greeley and Webster, and Webster Avenue to Lamont Place on the west.

High Priority Streets: Webster Avenue between the park and Melville Street, and Rosewood Terrace between Webster Avenue and Greeley Street.

Impact Area: Includes the blocks bounded by Bay, Culver, Parsells and Webster/Ackerman.

Webster Avenue was selected because it is a gateway to Webster Park and the Thomas P. Ryan Center; there has been recent significant investment on Webster Avenue; it is adjacent to the Challenged Streets area. Rosewood Terrace was selected because it defines the border between the transitional high streets to the north and the distressed streets to the south.

Marketview Heights. Includes the High Priority Streets and the area bounded by the railroad and Central Park to the north, Scio Street between Lyndhurst and the railroad to the west; Main Street to the south and Price Street to the east.

High Priority Streets: Union Street from Main Street and north to the Public Market; Lyndhurst and Weld Streets between Union and Scio; Main Street between Union and Prince; Kenilworth Terrace between Union and Prince.

Impact Area: Expected to include the area bounded by the Public Market and Central Park to the north and First Street to the east, Trinidad Street to the south; Scio Street to the west, and

Main Street to the south.

Union Street was chosen as a High Priority Street because of its unique gateway quality to the Public Market. The other High Priority Streets to the west and east of Union were selected for different reasons. The streets to the west of Union Street will require more spot acquisitions and rehabilitation, demolitions, and vacant lot development. The streets to the east of Union will require mostly rehabilitation assistance to strengthen its owner-occupancy quality. The intent is to support and complement the major planned investments in the Public Market, Corpus Christi School, and the Dental Dispensary sites.

Jefferson Avenue. Includes the High Priority Streets and the blocks bounded by Troup Street to the north, Van Auker to the east, Adams Street to the south, and Jefferson Avenue to the west.

High Priority Streets: Jefferson Avenue between Tremont Street and Main Street; Clifton Street between Jefferson Avenue and Troup Street; and Troup between Prospect and Van Auker Street.

Impact Area: Expected to include the blocks along Main Street to the north, Dr. Samuel McCree Way to the south and Ford Street to the east. The Four-part Planning Initiative Area is also included.

The high priority streets were selected because of the on-going multi-million dollar investment in the Van Auker Apartments, the Jefferson Avenue visioning area for economic development, the recent development at Anthony Square, and the need for stabilization along the transitional streets.

Dewey Driving Park. Includes the High Priority Streets and the area bounded in the north by Selye Terrace between Dewey and Archer, to the east by Pierpont between Selye and Lexington, on the west by Archer and Oriole between Selye and Lexington, and to the south by Lexington between Oriole and Pierpont.

High Priority Streets: Dewey Avenue between Kislisbury and Lexington; Driving Park between Oriole and Pierpont.

Impact Area: Expected to include Bryan Street to the north, Lakeview Terrace and Tacoma on the east, Glenwood to the south, and Lark on the west.

The High Priority Streets were selected because of the recent investment in Price Rite, the high visibility and gateways, and the potential to attract services to benefit the surrounding residential uses. There is also a potential facade grant program for the commercial uses. To help ensure the success of this approach, implementation plans would be developed for each area and an implementation consultant would be en-

gaged.

Since the City has an existing agreement with Enterprise to assist with FIS, it was decided that their services could be expanded to include completion of the implementation plans. Enterprise has national and other resources that will be helpful to the process. Attached is the budget and a detailed list of services to be performed.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-6

Ordinance No. 2009-13
(Int. No. 19)

Authorizing An Amendatory Agreement For The Focused Investment Strategy

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Enterprise Community Partners for services related to the Focused Investment Strategy.

Section 2. The amendatory 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 Improving the Housing Stock and General Property Conditions allocation of the 2008-09 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.

By Councilmember Lightfoot
January 20, 2009

To the Council:

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

Int. No. 9 - Establishing Maximum Compensation For A Professional Services Agreement For The Water Operations Center LEED Project

Int. No. 10 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Marina Market And Feasibility Study And Amending The 2008-09 Budget

Int. No. 21 - Establishing Maximum Compensation For A Professional Services Agreement For Water Testing Services

Int. No. 22 - Authorizing Agreements For Environmental Services

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

Int. No. 11 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2009-10

The following entitled legislation is being held in Committee:

Int. No. 8 - Amending Ordinance No. 2003-347, Relating To The Apprenticeship Program

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-14
Re: Agreement - CG Design Studio,
LEED Educational Display

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with CG Design Studio, LLC, Rochester, for the design, fabrication, and installation of an educational display for the Water Operations Center at 10 Felix Street. The cost of the agreement will be funded from bonds authorized in 2005 (Ord. No. 2005-92) for the construction of the Center (\$15,000); and from 2007-08 Cash Capital, Water Fund (\$10,000).

Leadership in Energy and Environmental Design (LEED) is a building rating system from the U.S. Green Building Council that recognizes buildings designed and built according to stringent standards for environmental conservation and occupant health and welfare. The Water Operations Center, certified at the LEED Gold level (the second highest qualifying standard), is the first municipal building in New York State to receive this award.

One of the requirements for Gold certification is the inclusion of an educational component. CG Design Studio will provide graphics and design services for a display that will inform employees and visitors of the unique features of the City's LEED Gold-standard Water Operations Center. The display will highlight the unique aspects of the Operations Center including energy and water conservation, brownfield redevelopment, and the building's construction and operation.

A request for proposals was issued in early Fall 2008, resulting in responses from five firms: CG Design Studio LLC, Bagley/Mooney Design Services, Frontline Advertising, K2 Communications Inc., and Pierpont Visual Graphics. Based on staff review of the proposals and past experience,

CG Design Studio, LLC was selected.

The display will be a permanent installation at the City's Water Operations Center, designed to last a minimum of fifteen years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-14
(Int. No. 9)

Establishing Maximum Compensation For A Professional Services Agreement For The Water Operations Center LEED Project

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and CG Design Studio, LLC for the design, fabrication and installation of a Leadership in Energy and Environmental Design (LEED) educational display for the Water Operations Center. Of said amount, \$15,000 shall be funded from Bond Ordinance No. 2005-92 and \$10,000 shall be funded from the 2007-08 Cash Capital allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-15
Re: Amendatory Agreement -
Abonmarche, Port of Rochester
Marina

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Abonmarche, Michigan, for preliminary engineering design and environmental permitting services required to construct a public marina at the Port of Rochester; and amending the 2008-09 Budget by transferring \$310,000 from Contingency to Cash Capital to partially fund the additional cost.

The original agreement, authorized in March 2008 for the marina market and feasibility study, provided maximum compensation of \$181,000; this amendment will increase compensation by \$574,000 for a total of \$755,000. The additional cost will be funded from 2007-08 Cash Capital (\$56,000) and 2008-09 Cash Capital (\$518,000).

The market and feasibility study was completed by Abonmarche, with local consultant Passero Associates, in early Fall 2008 and has been reviewed by the Port Marina Advisory Group, community leaders, local developers, and the City's Port Implementation and Port Policy Teams. This process identified general support for the development of a

marina, as well as modifications and improvements to the plan that have been incorporated into the plan.

Seven design concepts were presented during the review process; the preferred concept (see attached map) includes mixed residential and commercial development on and near the marina. Phase 1 will allow redevelopment without impact to parkland, features a public promenade surrounding the marina, permits development of commercial space and up to 86 residential units, and retains all of the parking lots that border on Ontario Beach Park.

Phase 1 will include public development of a 70-80 slip marina and allow private development of residential and retail space along Lake Avenue between Portside Drive and Corrigan Street. In Phase 2, the marina could expand to as many as 120 slips, and additional private development opportunities would be created. The total redevelopment of the Port site under the preferred plan would allow 280 to 430 residential units and about 575 public parking spaces in close proximity to Ontario Beach Park.

The preliminary cost estimate for Phase 1, including infrastructure, roadway modifications, marina construction, and public access areas, is \$15.9 million. Design, permitting, and construction are anticipated to take about three years. The preliminary estimate for Phase 2 is \$9.3 million. The marina development concept is consistent with the City's existing Local Waterfront Revitalization Plan (LWRP), and the pending amendment to the LWRP.

Under the amendatory agreement, Abonmarche and Passero Associates will perform all studies and preliminary engineering required to complete the federal and state permit requirements and to provide 30% design of the project. It is anticipated that these services will be completed by July 2010. Additional detailed design services will be required after permits have been received for the marina.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-7

Ordinance No. 2009-15
(Int. No. 10)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Marina Market And Feasibility Study And Amending The 2008-09 Budget

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

Section 1. The sum of \$574,000, 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 Abonmarche for a Marina Market and Feasi-

bility Study for the Port of Rochester. Of said amount, \$518,000 shall be funded from the 2008-09 Cash Capital allocation and \$56,000 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$310,000 from the Contingency Account to the Cash Capital allocation to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-16
Re: Agreement - Life Sciences
Laboratories, Water Testing

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for a three-year agreement with Life Science Laboratories of East Syracuse, New York, for laboratory testing of drinking water. The cost of the agreement will be financed from 2008-09 and future budgets of the Department of Environmental Services (Water Fund).

The existing water testing agreement, authorized by Council in February 2006, was for a three-year term with Life Science Laboratories expiring in February 2009. Historically, the City has contracted with commercial laboratories for mandated water testing when it is not cost-effective for the City's laboratory to perform the tests.

Proposals were solicited from six qualified laboratories, including two in Rochester, which did not respond. The four firms that did respond were Life Science Laboratories, Erie County Water Authority, Underwriters Laboratory (Indiana) and MWH Laboratories (California). Life Science Laboratories is recommended for a new three-year agreement based on efficiency and cost per sample. The company operates a satellite laboratory in Wayland, NY, a short distance from the City's Hemlock Water Quality Laboratory, which eliminates shipping costs and provides fast, easy pick-up of sample containers.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-16
(Int. No. 21)

Establishing Maximum Compensation For A Professional Services Agreement For Water Testing Services

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Life Science Laboratories for laboratory testing of drinking water for three years. Said amount shall be funded from the 2008-09, 2009-10 and 2010-11 Budgets of the Department of Environmental Services (Water Fund), contingent upon approval of the latter budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-17

Re: Agreements - Environmental Site Assessment and Remedial Services

Transmitted herewith for your approval is legislation authorizing agreements with the following firms for environmental assessment, investigation, and remediation phase services:

- Bergmann Associates, Rochester
- Day Environmental, Inc., Rochester
- LaBella Associates, P.C., Rochester
- Leader Professional Services, Inc., Pittsford
- Lu Engineers, Rochester
- O'Brien & Gere Engineers, Inc., Rochester
- Passero Associates, Rochester
- Stantec Consulting Services, Inc., Henrietta
- Tritech, Rochester

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.

Phase I site assessment services will include:

1. A review of title and deed history records, and other public records (including aerial photographs) that may contain relevant environmental information;
2. Governmental agency review (NYSDEC, City, MCDOH, etc.)
3. An inspection of the property and observation of adjacent properties; and
4. The preparation of a report with recommendations based on the findings.

Phase II investigation and environmental engineer-

ing and remedial services, if needed, will include:

1. The performance of subsurface soil and groundwater testing;
2. The collection and analysis of wastes, soil, and groundwater samples;
3. Identification of remedial options; and
4. The preparation of a report documenting findings and recommendations.

The City routinely performs site assessments prior to acquiring commercial and industrial properties. The most recent agreements for these assessments were authorized in October 2005.

In anticipation of the expiration of these agreements the Department of Environmental Services solicited proposals from eleven companies. Responses were received from nine firms, all of which are recommended.

When a specific department requires environmental assessment, environmental testing, or environmental remediation professional services, proposals from one or more of these companies will be requested. The selection of a company will depend upon the type of service required, the firm's ability to meet the City's schedule, and the quality and cost of the proposal.

The volume of projects depends on the needs of departments that are planning to acquire or sell property requiring assessment, testing, and remedial actions. The cost of the project-specific proposals will be based on the unit prices specified in each company's agreement with the City.

Each of the agreements will have an initial term of one year with provisions for renewal for two additional one-year periods based on mutual written agreement. If the agreements are renewed, adjustment to the specific unit prices for the third year will be permitted subject to the City's approval.

The total cost for the past three years for these agreements was \$1,272,281. Based on the current and projected work program, which is shifting toward larger projects, it is expected that the three-year cost for smaller projects that use the term agreements will be approximately \$1 million.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-17
(Int. No. 22)

Authorizing Agreements For Environmental Services

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

Section 1. The Mayor is hereby authorized to

enter into agreements with the following companies for environmental site assessment, investigation and remediation services as required by the City:

<u>Company</u>	<u>Address</u>
Bergmann Associates	28 East Main Street
Day Environmental, Inc.	40 Commercial Street
LaBella Associates, P.C.	300 State Street
Leader Professional Services, Inc.	271 Marsh Road
Lu Engineers	39 State Street
O'Brien & Gere Engineers, Inc.	400 Andrews Street
Passero Associates	100 Liberty Pole Way
Stantec Consulting Services, Inc.	2250 Brighton-Henrietta Town Line Road
Tritech	1100 University Avenue

Section 2. Each agreement shall have a term of one year, with provision for renewal for two additional one year terms. Each agreement shall provide for an assessment to be performed on an as needed basis, and shall establish a unit price to be paid for a particular assessment. The unit price may be adjusted during the second renewal term with the approval of the City Engineer. The cost of said assessment shall be funded from the annual budget or from project appropriations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Pritchard moved to return Int. No. 11 to Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Miller, Palumbo, Pritchard, Spaul - 6.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 11
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2009 and appropriating the

associated costs of \$81,285 among the benefitted properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Recreation and Youth Services or street and neighborhood associations. Minimum standards of maintenance are established by the department, and the associations are offered the opportunity to assume responsibility for maintenance.

Associations that do assume responsibility may augment or enhance the level of care, subject to the willingness of the property owners on the affected street to pay the additional costs. All maintenance, however, is monitored by the department.

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

In 2008, 12 malls were maintained by the department and 12 malls were maintained by street and neighborhood associations. The total authorized costs were \$34,716 and \$43,493, respectively.

In 2009, the department will be responsible for the maintenance of 12 malls (Group I) at a total cost of \$36,451; street and neighborhood associations will be responsible for the maintenance of 12 malls (Group II) at a total cost of \$44,834.

A public hearing on the assessments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 11

LOCAL IMPROVEMENT ORDINANCE - CARE AND EMBELLISHMENT OF VARIOUS NEIGHBORHOOD STREET MALLS FOR 2009-10

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 2009-10:

GROUP I	
Boulevard Parkway	\$ 2,129
Burke Terrace	467
Carthage Drive	589
Central Park	5,331
Elmwood Mall	3,315
Glendale Park	1,774
Knickerbocker Street	1,774

Nye Park	1,893
Raines Park	1,182
Seneca Parkway	12,790
Sumner Park	3,078
Werner Park	2,129
Group I Total	<u>\$36,451</u>

b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2009-10:

GROUP II	
Arnold Park	\$ 2,800
Hazelwood Terrace	1,630
Highland Parkway	2,100
Hillside Avenue	6,000
Huntington Park	3,600
Lafayette Park	2,832
Lakeview Park	4,800
Nunda Boulevard	6,650
Oxford Street	7,062
Portsmouth Terrace	2,500
Rundel Park	2,000
Sibley Place	<u>2,860</u>
Group II Total	<u>\$44,834</u>
Grand Total	<u>\$81,285</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, 2009.

Section 4. The total cost of such improvements and work, estimated at \$81,285, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

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

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

Section 7. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 8
Re: Amending Ordinance No. 2003-347,
Apprenticeship Programs

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-347 to extend apprenticeship program requirements to subcontracts over \$100,000 as a condition of award of certain public works contracts.

The purpose of the amendment is to broaden program coverage to large subcontracts, increasing employment opportunities for City residents. New York State Labor Law, as amended in 2001 (Chapter 571) authorizes municipalities to require contractors and subcontractors to participate in an apprenticeship training program as a condition of the award of a public works contract.

Ordinance No. 2003-347 requires that any prime contractor on certain City construction contracts that exceed \$250,000 to have apprenticeship agreements, approved by the New York State Department of Labor, prior to award of the contract. The proposed amendment will extend the requirement to any subcontractor on a City construction contract when the prime contract exceeds \$250,000, and the subcontract exceeds \$100,000.

Contractors with collective bargaining agreements already have access to and utilize apprentices enrolled in union-sponsored apprenticeship training programs. As a result of the City requirement, additional contractors have developed and received New York State Department of Labor approval for sponsorship of their own apprenticeship training, and have likewise employed apprentices on City construction contracts. Based on prior project experience, the apprenticeship training requirement can successfully be applied to large subcontracts involved in major City construction contracts to broaden the program's coverage.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 8

**AMENDING ORDINANCE NO. 2003-347,
RELATING TO THE APPRENTICESHIP
PROGRAM**

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

Section 1. Ordinance No. 2003-347, relating to the Apprenticeship Program, is hereby amended by amending Sections 2, 3, and 4 thereof to read in their entirety as follows:

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, or any subcontract thereto in excess of \$100,000, for construction, reconstruction or improvement of any building, facility or physical structure of any kind.

Section 3. The term "contractor" shall mean a contractor or a subcontractor which directly employs labor under a construction contract.

Section 4. The City of Rochester hereby requires any contractor, prior to entering into a construction contract with the City of Rochester or with another contractor, 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 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Miller
January 20, 2009

To the Council:

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

Int. No. 12 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Municipal Parking Services

Int. No. 418 - Authorizing A New Agreement For The Lease Of Space In The South Avenue Parking Garage, As Amended

The following entitled legislation is being held in Committee:

Int. No. 23 - Approving The Sale Of Former Railroad Right Of Way East Of 476 State Street

Respectfully submitted,
Dana K. Miller
Elaine M. Spaul
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-18
Re: Amendatory Agreement - Shamrock Training and Consulting, Municipal Parking Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Shamrock Training and Consulting (Principal, Dave Keefe), for continued municipal parking and operational consulting services. This amendment will increase maximum compensation by \$13,000 and extend the term of the agreement to June 30, 2009. The additional cost will be funded from the 2008-09 Budget of the Economic Development Department.

Mr. Keefe has been under contract in the municipal parking office since July 28, 2008. The original contract was for \$9,500, which was amended by Ordinance 2008-363 to a total of \$25,000 with a term ending January 31, 2009. This second amendment will add an additional 250 hours of consulting services at \$50 per hour, and \$500 of authorized reimbursable expenses for a total additional contract cost of \$13,000, increasing the maximum total compensation to \$38,000.

Additional consulting services are required to complete organizational change recommendations to provide better customer service, improve operations, and increase the investment return on the City's parking assets.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-18
(Int. No. 12)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Municipal Parking Services

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

Section 1. The sum of \$13,000, 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 Shamrock Training and Consulting for municipal parking consulting services. Said amount shall be funded from the 2008-09 Budget of the Economic Development Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 418 was introduced November 25, 2008 and appears in its original form with its transmittal letter on page 386 of the 2008 Council Proceedings.

Attachment No. AI-8

Ordinance No. 2009-19
(Int. No. 418, As Amended)

Authorizing A New Agreement For The Lease Of Space In The South Avenue Parking Garage

WHEREAS, the City of Rochester has received a proposal for the lease of space in the South Avenue Parking Garage to the Hyatt Corporation for a term of five years, with options to renew for four additional five year terms; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council has formally reviewed the appraisal of the independent consultant on the value of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the lease is the provision of office and storage space necessary for the operation of the adjacent Hyatt Hotel.

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

Section 1. The Mayor is hereby authorized to terminate the existing lease and to enter into a new agreement for the lease of office and storage space and storage closets in the South Avenue Parking Garage to the Hyatt Corporation. The agreement shall extend for a term of five years, with options to renew for four additional five year terms.

Section 2. The lease agreement shall obligate the Hyatt Corporation during the initial term to pay annual rent to the City in the amount of \$[19,775] 33,300. Rent during the option terms shall be at market value as established through an appraisal.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 23
Re: Sale of Real Estate - Phoenix Graphics

Transmitted herewith for your approval is legislation authorizing the sale of a portion of a City-owned parcel of former railroad land east of 476 State Street to Phoenix Graphics, Inc. The area to be conveyed is approximately 1.2 acres. The sale price of \$103,038 was determined by an independent appraisal prepared by Robert Pogel.

Phoenix Graphics is a commercial printer in business since 1985, and currently owns buildings at 464, 470, and 476 State Street. They have made significant investments in their facilities, including an addition to one building. The parcel to be purchased is located directly behind and adjacent to the company's State Street facilities.

As a result of business growth, Phoenix needs to expand their facility by approximately 13,500 square feet. They propose to build a stand-alone building on the railroad land, adjacent to their existing campus. Construction is anticipated to start in Spring 2009 and be operational by Fall

2009. Total project cost, including construction of the new facility and purchase of machinery and equipment, is estimated at \$3.2 million.

The company employs 26 workers currently, and expects to create 10 new jobs over the next three years. In addition, 40 seasonal workers will be added for the July through November period each year.

The 1.2 acre vacant property to be conveyed is part of the former CSX rail corridor acquired by the City in 2006. Phoenix will acquire the property in "as is" condition. In September 2007 Phoenix acquired .678 acres of this railroad parcel to be used for parking.

The City will retain the balance of the parcel for the El Camino-Butterhole Trail.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 23

APPROVING THE SALE OF FORMER RAILROAD RIGHT OF WAY EAST OF 476 STATE 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 a City-owned parcel of former railroad right of way east of 476 State Street, comprising approximately 1.2 acres, to Phoenix Graphics, Inc. for the sum of \$103,038.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden
January 20, 2009

To the Council:

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

Int. No. 13 - Authorizing An Agreement And Amending The 2008-09 Budget For An After School Program And Amending Ordinance No. 2008-433 And The 2008-09 Budget, As Amended

Int. No. 14 - Authorizing An Agreement Relating To Construction Services At The Clinton Baden Community Center

Int. No. 25 - Authorizing An Agreement Relat-

ing To Reimbursement For School Resource Officers

Int. No. 26 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Fitness And Nutrition Classes

Int. No. 27 - Establishing Maximum Compensation For An Agreement For Drug And Alcohol Abuse Prevention

Int. No. 28 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2008-09 Budget

Int. No. 29 - Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2008-09 Budget

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

Int. No. 15 - Authorizing An Amendatory 2006-07 Community Development Program Plan To Transfer Funds To The Job Creation/Youth Development Account

The following entitled legislation is being held in Committee:

Int. No. 24 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Respectfully submitted, Adam C. McFadden Dana K. Miller Elaine M. Spaul PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2009-20 Re: Agreement - Rochester Area Community Foundation, After School Programs

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Area Community Foundation for receipt and use of a \$25,000 grant, and amending the 2008-09 Budget of the Department of Recreation and Youth Services to reflect the grant.

These funds will support after school programs for 100 students at Henry Hudson School #28 from January 5 to May 29, 2009.

In 2007-08, 99 students participated - 40 boys and 59 girls; ethnically, the breakdown of participants was: African-American 58; Hispanic 28, Caucasian 6, and Other 7.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2009-20 (Int. No. 13, As Amended)

Authorizing An Agreement And Amending The 2008-09 Budget For An After School Program And Amending Ordinance No. 2008-433 And The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for an after school program at Henry Hudson School No. 28.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$25,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. Ordinance No. 2008-433, relating to an agreement with the Rochester Area Community Foundation for a community-wide effort to reinstate child care subsidies for working poor families, is hereby amended by changing the source of funds from the Contingency Account of the 2008-09 Budget to the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 5. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the child care agreement.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2009-21 Re: Agreement - Rochester City School District, Clinton-Baden Community Center

Transmitted herewith for your approval is legislation establishing \$1,000,000 as maximum compensation for an agreement with the Rochester City School District for construction services at the Clinton-Baden Community Center located at

485 N. Clinton Avenue. The cost of this agreement will be funded from 2008-09 Cash Capital.

Ordinance No. 2007-395 authorized the extension of an agreement between the City, the District and the Baden Street Settlement, allowing the District to use this City-owned property which is operated by Baden Street Settlement under a separate license agreement. The District uses the Center's two gyms, pool, and some meeting room space.

The District will undertake comprehensive rehabilitation of the facility including: improvements to the exterior facade, roof renovation, upgrade of the HVAC system, and lighting improvements. The project is expected to begin in Spring 2009 and will be completed by September 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-21
(Int. No. 14)

Authorizing An Agreement Relating To Construction Services At The Clinton-Baden Community Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District whereby the City will fund construction services at the Clinton-Baden Community Center.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-22
Re: Agreement - Rochester City School District, School Resource Officers

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District (RCSD) for the receipt and use of \$1,100,000 to reimburse the cost of providing sworn City of Rochester police personnel to serve as School Resource Officers (SROs) in RCSD schools. The first agreement and reimbursement were initiated with the implementation of the 2007-08 City approved budget. This legis-

lation will continue the practice of RCSD reimbursing the City for the use of sworn police personnel in schools.

Police Officers have been assigned to District schools as SROs since 1999 to assist in maintaining a safe school environment. Some of their duties include functioning as role models for students, providing police presence, and handling calls for service that originate within the school setting.

The cost of the SRO program was initially primarily covered by a federal Community Oriented Policing Services in School grant program. This program was designed to enable communities to hire new police officers and encourage working relationships between police and schools, thus bringing the principles and philosophy of community policing directly into the school environment.

The percentage of federal reimbursement has decreased over the term of the program, with the final federal reimbursement to the City in 2002-03. A condition of the grant program was that the City was obligated to retain the additional positions for at least one year after the expiration of the grant and be responsible for 100% of the cost. The City had funded 100% of the cost of these positions through fiscal year 2007-08 at which time RCSD agreed to fund the program and made their first reimbursement to the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-22
(Int. No. 25)

Authorizing An Agreement Relating To Reimbursement For School Resource Officers

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding to reimburse the City for School Resource Officers placed in City Schools.

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. 2009-23
Re: Agreement - Tamiko Byrd, Fitness And Nutrition Instruction

Transmitted herewith for your approval is legisla-

tion authorizing an amendatory agreement with Tamiko Byrd, Rochester, for additional fitness and nutrition classes at various City sites. The additional cost of \$7,290 will bring total maximum compensation for the agreement to \$17,212. The additional cost will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services. A grant from the Greater Rochester Health Foundation, previously included in the Budget (Ordinance No. 2008-395), supports this agreement.

The "Soul Fitness" classes offered by Ms. Byrd, who is certified through the YMCA of America, combine nutritional and behavioral education with low-impact aerobic exercise set to hip hop music. The nutritional program includes information on calories, cholesterol, the food pyramid, and food preparation according to the American Heart Association.

Classes will be available at North Street, Avenue D, Adams St., Edgerton, Flint St., South Ave., and Webster Avenue recreation centers as well as John Marshall High School from January 5 to December 31, 2009.

There has been strong demand for these courses from both youth and adults at City Recreation sites; currently there are over 200 participants age 6 and above. This program engages youth in new ventures, enabling them to express themselves in a healthful way.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-23
(Int. No. 26)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Fitness And Nutrition Classes

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

Section 1. The sum of \$7,290, 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 Tamiko Byrd for fitness and nutrition classes. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-24
Re: Agreement - Coordinated Care Services, Inc.

Transmitted herewith for your approval is legislation establishing \$3,000 as maximum compensation for an agreement with Coordinated Care Services, Inc. (CCSI) for continued services related to the administration of a community mini-grant program (HEART Coalition) which funds drug and alcohol abuse prevention projects. The cost of this agreement will be funded through the 2008-09 Budget of the Department of Recreation and Youth Services, by a grant from the US Department of Health and Human Services.

This is the second year that CCSI has provided these services, which include: distribution and promotion of the grant application; coordination of applicant interviews; review of the applications; and determining awards. They will also provide technical assistance to grant applicants and recipients and conduct site visits to successful grantees. Encouraging and funding community-based outreach projects is a requirement of this grant.

Although this agreement does not meet the threshold required for Council authorization, CCSI has two existing agreements with the City: \$13,900 for Biz Kid\$ (Ord. No. 2008-73), and \$114,268 for the Rochester After School Academy (Ord. No. 2008-242).

The term of this agreement will be January 30 through September 29, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-24
(Int. No. 27)

Establishing Maximum Compensation For An Agreement For Drug And Alcohol Abuse Prevention

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

Section 1. The sum of \$3,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Coordinated Care Services, Inc. for the administration of drug and alcohol abuse prevention projects. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-25
Re: Governor's Traffic Safety Committee, Selective Traffic Enforcement Program

Transmitted herewith for your approval is legisla-

tion authorizing an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for the receipt and use of a grant in the amount of \$37,826, under the Selective Traffic Enforcement Program (STEP) Aggressive Driving Program for the period October 1, 2008 through September 30, 2009 and amending the 2008-09 Police Department Budget by \$27,800. This reflects the appropriation of a prorated portion of the new award. The remainder will be included in the 2009-10 Budget.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of accidents. Enforcement strategies include the use of Laser RADAR speed detection and saturation patrols with marked and unmarked police vehicles. During the previous funding period, 876 citations were issued to motorists for infractions related to unsafe or aggressive driving. This is the seventh year of GTSC funding to the City under this program. A grant for the STEP program was most recently approved in January 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-25
(Int. No. 28)

Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2008-09 Budget

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

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

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$27,800, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-26
Re: Motor Vehicle Theft and Insurance Fraud Prevention Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the application for, and receipt and use of, a \$58,808 grant under the Motor Vehicle Theft and Insurance Fraud Prevention Program (MVTIFP) for the period April 1, 2009 through March 30, 2010, and amending the 2008-09 Budget of the Police Department by \$14,700. The remainder will be appropriated in the 2009-10 Budget.

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

The previous MVTIFP award was authorized by City Council in January 2008. During the last grant period there were 1,356 investigations of auto theft opened, with over 464 arrests made and over \$6,000,000 in stolen vehicles recovered. Grant funded activity has contributed to a 22% reduction in stolen vehicles. No local match is required for this grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-26
(Int. No. 29)

Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Motor Vehicle Theft and Insurance Fraud Prevention Program.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$14,700, 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. 2009-27
Re: Amending the Consolidated
Community Development
Plan - General Community
Needs

Transmitted herewith for your approval is legislation amending the 2006-07 Consolidated Community Development Plan by transferring \$50,000 from the Human Services Staff Account and \$15,000 from the Emergency Transitional Fund Account to the Job Creation/Youth Development Account.

This transfer will replenish funds that were previously transferred out of the account and will be used to support job creation efforts and youth development programming within the Department of Recreation and Youth Services.

A public hearing on the Plan amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-27
(Int. No. 15)

Authorizing An Amendatory 2006-07 Community Development Program Plan To Transfer Funds To The Job Creation/Youth Development Account

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

Section 1. The Council hereby approves amendments to the 2006-07 Community Development Program Plan whereby, within the General Community Needs allocation, the sum of \$50,000 shall be transferred from the Human Services Staff Account, and the sum of \$15,000 shall be transferred from the Emergency/Transitional Account, to the Job Creation/Youth Development Account.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 24
Re: Agreement - Law Enforcement
Psychological Associates, Fitness
Evaluations

Transmitted for your approval is legislation estab-

lishing \$10,000 as maximum compensation for an agreement with Law Enforcement Psychological Associates (LEPA), with offices located at 448 White Spruce Boulevard, Rochester. The cost of this agreement will be funded from the 2008-09 Budget of the Police Department.

LEPA will continue to provide psychological fitness for duty evaluations for the Police Department during 2008-09. The consultant has provided this service for several years with an annual cost of between \$7,000 and \$10,000 financed from the Budgets of the Police Department.

Although this agreement does not reach the threshold required for Council authorization, it should be noted that the firm is also currently under contract with the Police Department to provide pre-employment psychological evaluations of police officer recruit candidates, with maximum compensation established at \$130,000 (Ordinance No. 2004-150).

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 24

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR PSYCHOLOGICAL EVALUATION SERVICES FOR THE ROCHESTER POLICE DEPARTMENT

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological fitness for duty evaluations for the Rochester Police Department. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:35 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
FEBRUARY 17, 2009

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

DCD

*Kenneth R. Bargy

DES

Richard J. Bondi

Eric E. Carlson

*Elmer P. Forte

*Louie J. Guilmette

Police Department

*Thomas Robert Brice

*Cynthia Herriott-Sullivan

*Karen D. MacDonald

Michael R. Wood

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Lightfoot

RESOLVED, that the minutes of the Regular Meeting of January 20, 2009 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 3949-7

Request For Proposal Sale (2) 3950-7, 3951-7

Quarterly Reports 3952-7

Schedule of Revenues and Expenditures

Claims Reports

Delinquent Receivables

Public Disclosure - HOME Participation

3953-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition regarding judicial warrants, 491 signatures, presented by Councilmember Conklin Petition No. 1638

PUBLIC HEARINGS.

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

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 46 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 47 No speakers.

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

For 2009-10 Int. No. 11 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-28

Re: High Falls Brewing Company, Tax

Delinquency Agreement

Transmitted herewith for your approval is legislation authorizing the City to enter into an agreement for the payment of taxes, water bills and Section 108 loans relating to the High Falls Brewing Company, LLC.

High Falls is the owner of 39 parcels of real property located within the City (a list of the parcels is set forth in the proposed legislation) that are used in connection with its brewing business. High Falls is now unable to pay its obligations or to continue as an independent entity and owes the City for taxes and water pursuant to an existing tax agreement (\$4,242,598 in principal and \$1,406,754 in interest) and for the 2008-09 tax year (\$287,019 in taxes and \$211,043 for water).

High Falls also has the following outstanding City of Rochester U.S. Department of Housing & Urban Development Section 108 loans ("Section 108" loans) with the City:

1. An equipment loan with outstanding principal of \$766,666, with past due principal and interest of \$102,426; and
2. A real estate loan with remaining principal of \$2,328,714, with past due principal and interest of \$123,127.97.

This legislation will allow the City to enter into an agreement to facilitate the purchase of the assets of High Falls by KPS Capital Partners, LC or an entity owned by it. KPS will pay the delinquent 2008-09 High Falls Brewing Company, LLC water and tax bills at closing and assume and pay current the Section 108 loans. The agreement will modify the existing tax agreement with High Falls Brewing Company, LLC to provide that the amount outstanding will be due at a future date with the provision that it can be prepaid at a predetermined discount rate that would result in a payment of \$500,000 if prepaid in three years. Additional provisions will continue the tax lien status in the event of liquidation or bankruptcy or failure to timely pay current tax or water charges.

An agreement with the same substantive terms covering taxes and pure waters charges in similar amounts will be entered into by Monroe County. These agreements recognize the financial condition of High Falls and the limited ability of the City to collect the amounts due. Without such agreements, the brewery will be unable to continue to operate. High Falls Brewing Company, LLC is currently the fifth-largest brewery in the U.S. and the City's

largest water customer. It currently employs 300 people, of whom 100 are City residents.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-28
(Int. No. 66)

Authorizing A Tax Delinquency And Section 108 Loan Agreement For The High Falls Brewing Company Properties

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

Section 1. The Council hereby authorizes the Mayor to enter into an agreement with KPS Capital Partners, LC, or a new entity owned by it to own the assets of the High Falls Brewing Company, LLC, relating to past due taxes, water payments and Section 108 loan repayments for the following High Falls Brewing Company, LLC properties:

<u>Address</u>	<u>S.B.L.#</u>
107 St. Bridgets Dr.	106.540-0001-010 000 0000 JR
75 Martin St.	106.540-0001-022 001 0000 MR
515 St. Paul St.	106.540-0001-034 000 0000 NZ
555 St. Paul St.	106.540-0001-035 000 0000 OS
565 St. Paul St.	106.540-0001-036 000 0000 PL
587 St. Paul St.	106.540-0001-037 000 0000 QE
595 St. Paul St.	106.540-0001-038 000 0000 QX
481R St. Paul St.	106.610-0001-025 000 0000 ND
39 Curtice St.	106.620-0001-001 000 0000 JG
499-507 St. Paul St.	106.620-0001-002 000 0000 JZ
495 St. Paul St.	106.620-0001-003 000 0000 KS
479 St. Paul St.	106.620-0001-004 001 0000 MH
30 Dowling Pl.	106.620-0001-004 002 0000 ND
18 Dowling Pl.	106.620-0001-005 001 0000 NA
14 Dowling Pl.	106.620-0001-005 002 0000 NW
471 St. Paul St.	106.620-0001-006 000 0000 MX
7 Cataract St.	106.620-0001-033 001 0000 NQ
13 Cataract St.	106.620-0001-034 000 0000 NN
395 St. Paul St.	106.620-0001-035 000 0000 OG
8 Cataract St.	106.620-0001-036 000 0000 OZ

409 St. Paul St.	106.620-0001-037 000 0000 PS
12-14 Cataract St.	106.620-0001-038 000 0000 QL
16 Cataract St.	106.620-0001-039 000 0000 RE
18-22 Cataract St.	106.620-0001-040 000 0000 LH
28 Cataract St.	106.620-0001-041 000 0000 MA
32 Platt St.	106.620-0001-042 000 0000 MT
25 Cataract St.	106.620-0001-043 000 0000 NM
26 Cataract St.	106.620-0001-045 000 0000 OY
449 St. Paul St.	106.620-0001-047 000 0000 QK
419 St. Paul St.	106.620-0001-048 000 0000 RD
445 St. Paul St.	106.620-0001-049 000 0000 RW
461 St. Paul St.	106.620-0001-050 000 0000 LZ
3 Dowling Pl.	106.620-0001-051 000 0000 MS
7 Dowling Pl.	106.620-0001-052 000 0000 NL
11 Dowling Pl.	106.620-0001-053 000 0000 OE
15 Dowling Pl.	106.620-0001-054 000 0000 OX
19 Dowling Pl.	106.620-0001-055 000 0000 PQ
475 St. Paul St.	106.620-0001-056 000 0000 QJ
8-28 Ward St.	106.630-0001-016 000 0000 OA

Section 2. The agreement shall provide that KPS Capital Partners, LC, or a new entity owned by it to own the assets of the High Falls Brewing Company, LLC, will pay at the closing of the sale of the assets of the High Falls Brewing Company, LLC the delinquent 2008-09 High Falls water and tax bills and assume and pay current the Section 108 loans. The agreement will modify the existing tax agreement with High Falls Brewing Company, LLC to provide that the amount outstanding will be due in the future with the provision that it can be prepaid at a predetermined discount rate that would result in a payment of \$500,000 if prepaid in three years. Additional provisions will continue the tax lien status in the event of liquidation or bankruptcy or failure to timely pay current tax or water charges.

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.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 17, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 57 - Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

Int. No. 60 - Resolution Approving An Appointment To The Cultural Center Commission

Int. No. 64 - Local Law Amending The City Charter With Respect To The Salary Of The Mayor

Int. No. 65 - Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

The following entitled legislation is being held in committee:

Int. No. 30 - Local Law Amending The City Charter With Respect To Inspection Warrants, As Amended

Int. No. 31 - Amending The Municipal Code With Respect To Inspection Warrants, As Amended

Respectfully submitted,
Carolee A. Conklin
Lovely A. Warren
Gladys Santiago
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-29

Re: Agreement - Bolton-St. Johns, LLC,
State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Bolton-St. Johns, LLC, Albany, NY to provide state lobbying services. The cost for this agreement will be funded from the 2008-09 Budget of the Mayor's Office. The term of this contract will be for five months, February through June 2009. The \$5,000 monthly fee is inclusive of lobbying services and all incidentals, including travel.

It is crucial in this economy that the City's interests are aggressively represented in Albany. Lobbying services will help in the ongoing efforts of this Administration to ensure that Rochester receives its fair share of state aid, despite the State's fiscal constraints. This is especially important given the anticipated pass-through allocations of Federal stimulus funds for infrastructure projects.

A request for proposals for these services was issued in 2006; Bolton-St. John's proposal was

ranked second by the review committee. The contract was awarded to the top-ranked firm of Hinman Straub which provided lobbying services during 2006 and 2007. In 2008, the City did not use a state lobbyist. With the decision to reinstate lobbying services, Bolton-St. John is recommended based on their ability to more closely match the City's current needs, based on recent changes in state government leadership in both the Governor's office and in the legislature.

The firm will provide the following services:

1. Draft and arrange for the introduction of the City's legislative proposals to the City's Albany delegation, committee chairs, Senate and Assembly leaders, the Governor, and staff.
2. Identify and review all bills that could affect the City and, as directed by the City, present comments concerning these bills.
3. Review and analyze the annual State budget with respect to its impact on the City; monitor the appropriation phase of the budgetary process, lobbying to ensure Rochester receives necessary and suitable funding.
4. Communicate, through general and customized weekly newsletters, updates on legislation affecting Rochester. Updates will be provided daily at crucial times in the legislative process.
5. Facilitate relationships with legislative members and champion issues important to Rochester; arrange and coordinate meetings between State and City officials; prepare materials for these meetings; accompany City staff to such meetings.
6. Coordinate the above activities with the NY Conference of Mayors and other "Big 5" cities, as necessary.
7. Provide advice on meeting legislative and regulatory objectives; develop a written strategic plan.
8. Provide general advice on legislative and regulatory matters.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-29
(Int. No. 57)

Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for a professional services agreement between the City and Bolton-St. Johns, LLC for the provision of State lobbying services. Said amount shall be funded from the 2008-09 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-3
Re: Appointment - Cultural
Center Commission

Transmitted herewith for your approval is a resolution appointing the following person to the Cultural Center Commission:

John L. Goldman
10-6 Selden Street
Rochester, N.Y. 14605

The members of the Cultural Center Commission are jointly appointed by the City Council and Monroe County Legislature. Mr. Goldman is a resident of the Grove Place neighborhood, which adjoins the Cultural District. He will fill the unexpired term of Karen Noble Hanson, who was formerly a resident of Grove Place, but who has relocated and resigned from the Commission.

This appointment will expire on September 30, 2010. Action at this time will allow Mr. Goldman to participate in the upcoming meetings of the Commission. The County Legislature approved this appointment at its meeting of February 3. A copy of Mr. Goldman's resume is on file in the City Clerk's Office.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2009-3
(Int. No. 60)

Resolution Approving An Appointment To The Cultural Center Commission

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

Section 1. The Council hereby approves the appointment of the following person to the Cultural Center Commission to fill the unexpired term of Karen Noble Hanson through September 30, 2010:

John L. Goldman
10-6 Selden Street
Rochester, N.Y. 14605

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1 and
Local Law No. 2
Re: Charter Amendment - Salaries

Transmitted herewith for your approval is legislation amending the City Charter to enable the Mayor or any Councilmember to decline salary adjustments prescribed in the Charter.

As you know, in December 2005, the City Council established the salary of the Mayor for 2006 at \$120,716, the same amount it had been in 2005. As has been our practice, annual cost-of-living adjustments were also established to take place in January 2007, 2008 and 2009. The same adjustments were established for the salaries of City Council.

As the City is facing significant fiscal challenges for the coming year, and in the context of the larger global recession, several Councilmembers as well as the Mayor indicated their interest in eliminating the scheduled cost of living adjustment. However, New York State law requires a mandatory referendum prior to reducing the salary of the Mayor or Council during their terms.

The proposed Charter amendments will provide a legally acceptable mechanism for the elected officials to decline their individual salary adjustments while leaving the Charter's cost of living adjustments unchanged, thus avoiding a conflict with the applicable State laws.

Respectfully submitted,
Carolee A. Conklin
Chair
Finance Committee
Carla M. Palumbo
Member
Finance Committee

Lovely A. Warren
Member
Finance Committee

Local Law No. 1
(Int. No. 64)

Local Law Amending The City Charter With Respect To The Salary Of The Mayor

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 3-3.1, Salary of the Mayor, by adding to the end of Subsection C thereof the following new sentence:

The Mayor may decline to accept a salary increase through written notification to the Director of Finance.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

Local Law No. 2
(Int. No. 65)

Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

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 5-2 thereof, relating to members of the Council, by adding to the end thereof the following new sentence:

A Councilmember may decline to accept a salary increase through written notification to the Director of Finance.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

Councilmember Conklin moved to discharge Int. Nos. 30 and 31 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following votes:

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

Nays - Councilmember McFadden - 1.

Councilmember Conklin moved to amend Int. No. 30.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 3 and
Ordinance No. 2009-30
Re: Amendments - Judicial Warrants

Transmitted herewith for your approval are a series of amendments to Ints. 30 and 31 in regard to Judicial Inspection Warrants. As you know, these items were submitted to the Council on January 6 and were assigned to the Finance Committee. Subsequently, the Finance Committee held a public meeting to gather testimony on the proposal. A large group of people participated in that meeting and additional written testimony was received as well.

The proposed amendments are meant to address some of the public comments and to clarify the intent of the legislation in several areas. The amendments are intended to:

- Clarify that the City inspections are only for the purposes of enforcing those codes that the City is responsible for enforcing.
- Require that the notice of intent to conduct an inspection include notice to tenants that they may be protected from retaliation by the landlord pursuant to Section 223-b of the New York State Real Property Law.
- Establish a limit of 90 days on the time that may elapse between the notice of intent to conduct an inspection and the inspection warrant application.
- Require that in cases where a Police Officer is being requested to accompany the inspectors for safety reasons, those reasons are detailed in the warrant application. In the absence of such specific authorization, a Police Officer may not enter any interior portion of the building not open to the public unless an emergency exists.
- Clarify that the mere refusal of an owner and/or occupant of a residential unit to allow an inspector access to the property, or the condition of the area in which the residential unit is located, cannot be the sole reason for the issuance of a warrant.
- Require that a report be submitted to City Council after six months of the implementation of the program, and annually thereafter, providing details on applications for warrants, execution of warrants, and overall implementation of the warrant program.

These amendments should ensure that the Judicial Warrant program is carried out within the constraints of constitutional and legislative frameworks and that it carefully balances the needs of the Administration to enforce duly executed laws with the privacy rights of our citizens and property owners.

Respectfully submitted,
Carolee A. Conklin, Chair
Finance Committee

Local Law No. 3
(Int. No. 30, As Amended)

**Local Law Amending The City Charter With
Respect To Inspection Warrants**

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 Article I by designating the current Sections 1-1 through 1-8 as Part A, General Provisions, and by adding thereto a new Part B, Judicial Warrants for Inspections of Premises, to include the current Section 1-9, Inspections for code compliance, as amended and renumbered as Section 1-11 herein, and the following new Sections 1-9, 1-10 and 1-12 through 1-25; which Part B shall read in its entirety as follows:

Part B. Judicial Warrants for Inspections of Premises.

§ 1-9. Purpose and authority.

In order to promote the health and safety of its residents and visitors, the City enforces numerous laws relating to the construction, alteration, maintenance, repair, operation, use, condition or occupancy of a premises. These laws include laws such as the New York State Uniform Fire Prevention and Building Code, which the City is required to enforce on behalf of the State. In many instances, enforcement is possible only through inspections conducted in or on the premises itself. Most owners and occupants of a premises consent to necessary inspections and, when violations are found, promptly make corrections necessary to bring the premises into compliance with applicable codes. However, the City has recently encountered increasing numbers of owners and/or occupants who do not allow, fail to schedule, or unduly delay inspections. The City has particularly found this to be the case in the enforcement of provisions significantly affecting the health or safety of City tenants, such as the Lead-Based Paint Poisoning Prevention Code, found in Article III of Chapter 90, the Property Conservation Code. The City cannot allow the enforcement of these important health and safety codes to rest upon the desires of the owner or occupant of the premises. The enforcement of these provisions is especially important to a large number of residents of the City, such as children, the disabled and the elderly, who may be unable to recognize the dangers in their premises or to take the necessary steps to protect themselves. The United States Supreme Court and the New York State Court of Appeals have recognized the right of persons to require a warrant for inspections of premises in certain circumstances and have established standards for the issuance of such warrants. While New York Courts have issued warrants for the inspection of premises on the basis of

the Supreme Court and New York Court of Appeals decisions and have applied in part the procedures for search warrants established in the Criminal Procedure Law, New York State statutes do not establish specific procedures or requirements for the issuance of warrants for inspections of premises. In the absence of State statutes, the City wishes to establish guidelines which meet constitutional requirements for the issuance by the courts of judicial warrants for the inspection of premises within the City. Such guidelines are particularly appropriate in the City due to absentee ownership of a significant number of premises, the age of City housing, and the difficulty in obtaining consent for necessary inspections. The guidelines will provide a process for issuing such warrants and will apprise landlords, tenants and all persons of the procedures and requirements to be followed by the City in obtaining and executing inspection warrants. These provisions will promote the health, safety and welfare of the City and all of its residents and visitors. Authority for the adoption of such guidelines is found in, but not limited to, the home rule and police powers found in Article IX, Section 2 of the New York State Constitution, Section 10 of the Municipal Home Rule Law and Section 20 of the General City Law, and are necessary for the proper administration and enforcement by the City of the Uniform Fire Prevention and Building Code as required in 19 NYCRR Part 1203, promulgated pursuant to Section 381 of the Executive Law.

§ 1-10. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

DESIGNATED CITY OFFICER OR EMPLOYEE - An officer or employee of the City of Rochester who occupies a position in which he or she is authorized by New York State Law or the City Charter of the City of Rochester to enforce the PROPERTY CODES in the City.

INSPECTION WARRANT or JUDICIAL WARRANT FOR INSPECTION OF PREMISES - A written order signed by a Judge of the Rochester City Court, Monroe County Court or New York State Supreme Court directing a designated City officer or employee to conduct an inspection of a premises for civil enforcement purposes only in conjunction with the administration and enforcement of the PROPERTY CODES, which inspection may include the photographing, recording or non-destructive testing of property or physical conditions found thereon or therein.

PREMISES - A lot, plot or parcel of land, together with the buildings and structures thereon.

PROPERTY CODE - The Property Conservation Code, Building Code, Plumbing Code, Fire Prevention Code, Zoning Code, Health Ordinance, New York State Uniform Fire Prevention and Building Code, or any other Federal, State, County or City law, ordinance, rule or regulation relating to the construction, alteration, maintenance, repair, operation, use, condition or

occupancy of a premises located within the City, which law, ordinance, rule or regulation is enforced by the City.

§ 1-11. Inspections for code compliance.

No local law or ordinance of the City shall be construed to require a person to consent to an inspection of a premises in order to determine compliance with applicable code provisions. However, this provision shall not be construed to remove the obligation of a person to apply for and secure a required license, permit, certificate or other City approval relating to the construction, alteration, maintenance, repair, operation, use, condition or occupancy of a premises. When applying for a license, permit, certificate or other City approval which calls for an inspection, a person shall have the right to decline to consent to the inspection, and the issuing authority may, without further notice to the applicant, apply for an inspection warrant to conduct the required inspection. However, if the premises is occupied, notice to the occupant or other person with apparent right of possession in accordance with § 1-14 shall be required.

§ 1-12. Right of entry.

In the performance of official duties, subject to the further requirements established in this Part and the obtaining of a warrant when the same is constitutionally required, designated City officers or employees may enter premises to enforce the Property Codes.

§ 1-13. Entry without notice or inspection warrant.

This Part shall not be construed to require either an inspection warrant or prior notice to enter or inspect a premises under circumstances in which a warrant is not constitutionally required.

§ 1-14. Notice of intent to conduct inspection.

Before an application may be made for an initial inspection warrant, the designated City officer or employee must give prior notice of his or her intent to conduct an inspection to the occupant or other person with apparent right of possession or, in the case of an unoccupied premises, to the owner, the owner's agent or other person in apparent control of the premises. No notice is required to an applicant who has declined to consent to an inspection when applying for a license, permit, certificate or other City approval which calls for an inspection. No further notice is required before additional inspection warrants are sought to inspect a premises, including warrants to re-inspect a premises to determine if cited violations have been corrected, or additional warrants necessitated by the expiration of a warrant before an inspection could be completed, in the same case or any cases relating to the same premises and arising concurrently.

§ 1-15. Contents of notice.

The notice of intent to conduct an inspection shall:

- A. State the date and time at which the design-

ated City officer or employee will be present to conduct an inspection;

- B. Inform the person notified that he or she may reschedule the inspection to a reasonable date and time by contacting the designated City officer or employee before the stated date; [and]

- C. Advise that if the inspection is not allowed to be conducted, the designated City officer or employee may make an application to Rochester City Court, Monroe County Court or New York State Supreme Court for an inspection warrant; and

- D. Advise that a tenant may be protected against retaliation by a landlord for making a good faith complaint of code violations pursuant to Section 223-b of the New York State Real Property Law.

§ 1-16. Service of notice when premises is occupied.

If the premises is occupied, the notice of intent to conduct an inspection must be either sent by first class mail or personally delivered to the occupant or person with apparent right of possession. The notice shall be addressed to the occupants of record if their names are provided to the City by the owner in writing, otherwise notice shall be sufficient if addressed to the "occupant" of the particular unit.

§ 1-17. Service of notice when premises is unoccupied.

If the premises is unoccupied, the notice of intent to conduct an inspection must be mailed by first class mail to the owner's tax mailing address for the premises or be personally served upon the owner.

§ 1-18. Inspection warrant application with prior notice.

A Department Head or a designated City officer or employee authorized by the Department Head may make an application to Rochester City Court, Monroe County Court or New York State Supreme Court for an inspection warrant to conduct an inspection after notice of intent to conduct an inspection has been given, if the person notified does not allow, fails to schedule, or unduly delays the inspection.

§ 1-19. Inspection warrant application without prior notice.

A Department Head or a designated City officer or employee authorized by the Department Head may apply for an initial inspection warrant without giving the prior notice of intent to conduct an inspection as required by §1-14 and §1-20 if there is credible evidence to believe that a violation of a Property Code exists which immediately and significantly endangers the health or safety of any person.

§ 1-20. Authority to seek inspection warrant.

A Department Head or a designated City officer or employee authorized by the Department Head may make an application in accordance with this Part to Rochester City Court, Monroe County Court or New York State Supreme Court for an inspection warrant to conduct an inspection or to take any other authorized action to administer and enforce the Property Codes. The Corporation Counsel shall send written notice of at least 5 days to the owner and occupant, if any, of a premises before an application is made for an inspection warrant.

§ 1-21. Factors to be considered when applying for an inspection warrant.

A Department Head shall consider whether one or more of the following guidelines have been met in determining whether to authorize an application for issuance of an inspection warrant:

- A. There is credible evidence to believe that the construction, alteration, maintenance, repair, operation, use, condition or occupancy of the subject premises is in violation of any applicable Property Code; or
- B. Reasonable legislative or administrative standards for conducting an inspection in conjunction with the administration and enforcement of the Property Codes are satisfied with respect to the subject premises and the occupants and/or the owner have not allowed, have failed to schedule, or have unduly delayed the inspection of the premises; or
- C. An application for a Certificate of Occupancy, Business Permit, permit, license or other similar instrument which authorizes the construction, alteration, maintenance, repair, operation, use, condition or occupancy of the premises has been submitted and the occupants and/or the owner have not allowed, have failed to schedule, or have unduly delayed the inspection of the premises; or
- D. A re-inspection of the premises is necessary to determine whether previously cited violations of the Property Codes have been corrected, and the occupants and/or the owner have not allowed, have failed to schedule, or have unduly delayed the inspection of the premises.

§ 1-22. Applications for inspection warrants.

The application for an inspection warrant must:

- A. Be in writing, stating the name of the Court to which it is addressed;
- B. State the name, department, title and code enforcement authority of the Department Head or the designated City officer or employee authorized by the Department Head who is the applicant;

- C. State the date of the making of the application;

- D. Describe the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted in order to assure that any observations, findings and evidence obtained through execution of the inspection warrant shall be restricted to use in civil enforcement proceedings only;

- E. Identify the premises to be entered and inspected in sufficient detail and particularity so that the designated City officer or employee executing the inspection warrant may readily ascertain the premises;

- F. In cases where prior notice of intent to conduct an inspection is required, provide specific information showing how and when notice has been given, which most recent notice shall have been given within 90 days of the application for the inspection warrant, and how the inspection has not been allowed, has not been scheduled, or has been unduly delayed by the person notified;

- G. State facts based upon personal knowledge of the applicant or upon information and belief, provided that in the latter event the sources of such information and the grounds of such belief are stated, sufficient to demonstrate probable cause for the issuance of an inspection warrant;

- H. Where there are specific safety concerns directly related to the premises to be inspected, its owners or occupants, detail such safety concerns in order to request that a police officer provide protection to the designated City officer or employee during the execution of the inspection warrant;

- I. Be subscribed and sworn to by the applicant; and

- [I] J. Request that the Court issue an inspection warrant directing an inspection of the subject premises for civil enforcement purposes only, which inspection may include the photographing, recording or non-destructive testing of property or physical conditions found thereon or therein, subject to such limitations and restrictions as may be provided by the Court.

§ 1-23. Issuance of an inspection warrant.

- A. Determination of application.

- (1) In determining an application for an inspection warrant, the Court may examine, under oath, any person whom it believes may possess pertinent information. Any such examination may be recorded or summarized on the record by the Court.

- (2) If the Court is satisfied that there is

probable cause to issue an inspection warrant, it may grant the application and issue an inspection warrant directing an inspection of the premises described in the application, subject to such limitations and restrictions as may be provided by the Court. For inspections of dwellings as defined in Section 120-208 of the Zoning Code, mere refusal by the owner and/or occupant to consent to an inspection shall not constitute the sole basis for the issuance of an inspection warrant, nor shall the condition of the area in which the dwelling is located constitute the sole basis for the issuance of an inspection warrant; provided, however, that this provision shall not prevent the issuance of an inspection warrant in circumstances where there are additional factor(s) to support the issuance, including but not limited to cases where the owner and/or occupant has declined to consent to a required inspection when applying for a license, permit, certificate or other City approval.

- (3) The inspection warrant may be requested in the form of an original and two copies.
- B. The City shall prepare and attach to its application to the Court a proposed inspection warrant for its consideration which may:
- (1) Be in writing, stating the name of the issuing Court and containing a signature line for the subscription of the issuing judge;
 - (2) State the name, department, title and code enforcement authority of the designated City officer or employee authorized to conduct the requested inspection and to whom it is addressed;
 - (3) Contain a place for the Court to indicate the time and date the warrant was issued and the duration of the warrant;
 - (4) State the limited nature and purpose of the inspection and the manner in which the inspection is to be conducted in order to assure that any observations, findings and evidence obtained through execution of the inspection warrant shall be restricted to use in civil enforcement proceedings only;
 - (5) Identify the premises to be entered and inspected in sufficient detail and particularity so that the designated City officer or employee executing the warrant may readily ascertain the premises to be inspected;
 - (6) Where specific safety concerns di-

rectly related to the premises to be inspected, its owners or occupants are identified. [P]provide that a police officer [, if requested by the designated City officer or employee for safety purposes,] may [assist in] provide protection to the designated City officer or employee during the execution of the inspection warrant;

- (7) For warrants for inspections of premises containing multiple dwelling units, contain a provision which authorizes a single entry into each unit, which entry need not occur at the same date and time for all units, but which entries must occur before the expiration of the warrant;
- (8) Direct an inspection of the subject premises for civil enforcement purposes only, which inspection may include the photographing, recording or non-destructive testing of property or physical conditions found thereon or therein;
- (9) Direct that the inspection warrant be executed between the hours of 7:00 a.m. and 8:00 p.m., or when the Court has specially so determined based upon the use of the premises at other hours or other special circumstances of the premises, direct execution thereof at other times of the day or night, without the use of force;
- (10) Direct that the inspection warrant authorizing entry to the premises shall be delivered to the occupant at the time of the inspection. The Court may additionally authorize service of the inspection warrant by means of confirmation mail, in which case the inspection warrant shall require the owner and/or occupants to provide the designated City officer or employee with a reasonable date and time to conduct the inspection, which date and time must be within seven (7) days of receipt of the warrant; and
- (11) Contain a notice to the owner and occupants that it is unlawful to willfully deny or unduly delay entry or access to any premises to a designated City officer or employee with an inspection warrant authorizing inspection of said premises, to willfully deny or unduly delay or interfere with the inspection authorized by the warrant, or to willfully fail to timely set a reasonable date and time for an inspection as required by the Court, and that such actions may result in punishment for contempt of court pursuant to Article 19 of the Judiciary Law, which punishment may consist of a fine or imprisonment, or both.

§ 1-24. Execution of an inspection warrant.

- A. Except as provided in Subsection B of this Section, in executing an inspection warrant, the designated City officer or employee authorized by the Court to execute the warrant shall, before entry, make a reasonable effort to present his or her credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant, and to deliver a copy of the warrant to the occupant or person in possession of the premises.
- B. In executing an inspection warrant, the designated City officer or employee authorized to execute the warrant may promptly enter the designated premises if it is or is reasonably believed to be vacant and unsecured. Such designated City officer or employee need not provide notice of his or her authority and purpose as prescribed in Subsection A of this section.
- C. When authorized in the inspection warrant, [A] a police officer may provide protection to the designated City officer or employee during [be requested to assist in] the execution of the inspection warrant [for safety purposes]. Absent such authorization, a police officer shall not accompany the designated City officer or employee during the inspection of the interior portions of a building not open to the public.
- D. An inspection warrant issued shall be executed within:
 - (1) The time specified in the warrant, not to exceed forty-five (45) days; or
 - (2) If no time is specified therein, within forty-five (45) days from its date of issuance.

§ 1-25. Unlawful actions.

It shall be unlawful for any person to willfully deny or unduly delay entry or access to any premises to a designated City officer or employee with an inspection warrant authorizing inspection of said premises, to willfully deny or unduly delay or interfere with the inspection authorized by the warrant, or after receiving a copy of an inspection warrant requiring the scheduling of an inspection, to willfully fail to schedule a reasonable date and time for the inspection as set forth in the inspection warrant. Any person who violates this Section shall be subject to an application to be found in contempt of court pursuant to Article 19 of the Judiciary Law, and punishment as provided for therein may include a fine or imprisonment, or both.

Section 2. This local law shall take effect three weeks after the date of its adoption.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmembers McFadden, Warren - 2.

Ordinance No. 2009-30
(Int. No. 31, As Amended)

Amending The Municipal Code With Respect To Inspection Warrants

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

Section 1. Section 39-210 of the Municipal Code, Performance of work under building permit, as amended, is hereby further amended by deleting the word "search" in both places that it appears in Subsection B thereof and by inserting in its place the word "inspection".

Section 2. Section 40-18 of the Municipal Code, Issuance of a permit, as amended, is hereby further amended by deleting the word "search" in both places that it appears in Subsection E thereof and by inserting in its place the word "inspection".

Section 3. At the end of six months and annually thereafter, a report shall be submitted to the City Council containing information on the premises for which applications were made for inspection warrants and the premises at which inspection warrants were executed, as well as information on the implementation of the inspection warrants local law.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmembers McFadden, Warren - 2.

By Councilmember Warren
February 17, 2009

To the Council:

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

Int. No. 34 - Authorizing The Sale And Return Of Real Estate And Amending Ordinances No. 2009-19 And 2008-414, As Amended

Int. No. 35 - Authorizing The Acquisition Of 755 South Plymouth Avenue As A Part Of The Challenged Streets Program

Int. No. 36 - Approving The Granting Of A Permanent Easement Over Former Railroad Right Of Way Adjacent To 65 Versailles Road

Int. No. 37 - Authorizing A Loan Agreement For The Monica Place Rental Housing Project

Int. No. 38 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Monica Place Rental Housing Project

Int. No. 39 - Designating Funds And Authorizing Agreements For The Lead Clearance Test Reimbursement Program

Int. No. 40 - Resolution Approving Appointments To The Electrical Examining Board

Int. No. 41 - Amending Ordinance No. 2004-316, Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

Int. No. 58 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-31
Re: Sale of Real Estate

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

The first property is a buildable lot being sold by sealed bid to the Southwest Area Neighborhood Association, Inc. (SWAN). As part of their Grow Green, Youth Entrepreneur program, SWAN plans to build a greenhouse and potting shed. Area youth will participate in the operation of the greenhouse and the responsibilities associated with growing flowers and crops. Mature vegetables and flowers will then be sold at local fruit stands for the benefit of the neighborhood.

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

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,249.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-9

Ordinance No. 2009-31
(Int. No. 34, As Amended)

Authorizing The Sale And Return Of Real Estate And Amending Ordinances No. 2009-19 And 2008-414

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

Section 1. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

Address: 268-270 Dr. Samuel McCree Way
S.B.L.#: 120.50-2-25.1
Lot size: 70x115
Price: \$50
Purchaser: *Southwest Area Neighborhood Assn., Inc.

*Principals: Patricia Jackson, Executive Director; Ronald Allen, President; Calvin Lee, Vice President; Linda Terrell, Secretary; Tony Douglas, Treasurer

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
47-49 Arnett Blvd 120.67-3-79	35x100 Charles McLamore	3,595
8 Concord St 106.57-1-17	35x84 Mae Dickey	2,959
19 Bismark Ter 091.78-3-35	36x64 Steve & Christine DeMay	2,329
254 Nichols St 091.84-2-42	39x99 James & Marta Sabado	3,948
817-819 Joseph Ave 091.79-4-54	36x115 **Upper Room Family Worship Center	4,140

**Principals: Pastor Amos L. Simmons; Mark Simmons, Chairperson of Trustees; Deborah Washington, Secretary; Kelvin L. Davis, Deacon; Pearl Dickerson, Church Mother;

Terry L. Simmons, Treasurer

Section 3. The Council hereby approves the return of 51 Epworth Street, SBL #120.510-4-18, to its former owner, Ella Louise Hamilton, for the reason that bankruptcy proceedings had been commenced before the County of Monroe acquired said parcel through its tax foreclosure proceedings and deeded it to the City.

Section 4. Ordinance No. 2009-19, authorizing the lease of space in the South Avenue Parking Garage, is hereby amended by changing the name of the lessee from the Hyatt Corporation to AP/AIM Rochester Hotel TRS, LLC.

Section 5. Ordinance No. 2008-414, authorizing a Pure Waters easement, is hereby amended by changing the name of the grantee from the Monroe County Division of Pure Waters to the Rochester Pure Waters District and authorizing the easement to be for combined sewers.

Section [3] 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 [4] 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-32
Re: Acquisition of Real Estate -
755 S. Plymouth Avenue

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of 755 S. Plymouth Avenue, currently owned by Willie Cowart, as part of the Challenged Streets Initiative. The property has been identified as a blight and is recommended for demolition.

The acquisition amount of \$30,000 was established through an independent appraisal prepared by Steven V. Ferrara, SRA of Pogel, Schubmehl & Ferrara, LLC. The property is a residential single-family structure that will be vacant at closing and therefore no relocation estimates are required.

A total cost of \$33,000 is requested to cover the purchase price and closing costs for the acquisition. The cost of acquisition will be funded from 2002-03 Cash Capital.

The goal of the Challenged Streets Program is to target investment resources in neighborhoods that are:

- Of specific concern to residents;
- Have several vacant and blighted properties, with associated public safety issues; and
- Have current development plans in close proximity.

Funding is to be used for the acquisition, rehabilitation and demolition of blighted properties.

City taxes and other charges against the property will be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-10

Ordinance No. 2009-32
(Int. No. 35)

Authorizing The Acquisition Of 755 South Plymouth Avenue As A Part Of The Challenged Streets Program

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

Section 1. The Council hereby approves the acquisition of 755 South Plymouth Avenue, SBL #121.69-2-42, from the current owner, Willie Cowart, for the sum of \$30,000, as a part of the Challenged Streets Program. Said amount, and necessary closing costs, shall be funded from the 2002-03 Cash Capital allocation.

Section 2. City taxes and other current-year charges against said parcel shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-33
Re: Permanent Easement -
Versailles Road

Transmitted herewith for your approval is legislation authorizing the granting of a permanent easement over a portion of a City-owned property, located on Versailles Road, to Robert and Delia Shannon. The easement area comprises approximately .028 acres of vacant land and is part of the former railroad right-of-way adjacent to 65 Ver-

sailles Road. The City acquired this property from CSX Transportation, Inc. in November, 2006. The granting of this easement will allow the owners of 65 Versailles Road access to their garage located at the rear of the property.

The \$900 cost of the easement was established through an independent appraisal prepared by Stephen Ferrara, SRA of Pogel, Schubmehl & Ferrara, LLC.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-11

Ordinance No. 2009-33
(Int. No. 36)

Approving The Granting Of A Permanent Easement Over Former Railroad Right Of Way Adjacent To 65 Versailles Road

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

Section 1. The Council hereby approves the granting of a permanent easement over a portion of a City-owned parcel of former railroad right of way adjacent to 65 Versailles Road, comprising approximately 0.28 acres, to Robert and Delia Shannon for the sum of \$900.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-34 and
Ordinance No. 2009-35
Re: Monica Place - Rental Housing
Project

Transmitted herewith for your approval is legislation relating to an affordable rental housing project to be undertaken by Pathstone, Inc. (formerly Housing Opportunities Inc.) at Monica Place, 837 Genesee Street. This legislation will:

1. Authorize \$150,000 in HOME funding for both an interest-free construction and a 30-year permanent loan to Monica Homes, LLC at the applicable federal rate, with annual payments of 1% interest;
2. Authorize a 30-year property tax exemption and payment in-lieu of tax (PILOT) agreement with Housing Opportunities Housing Development Fund Corporation, Inc. equal to 10% of shelter rent minus utilities; and
3. Appropriate \$30,000 from the Rental Housing Fund Account of the 2003-04 HOME Program and \$120,000 from the Rental Housing Fund Account of the 2008-09 HOME

Program.

Monica Place, owned by Monica Place Associates and Sojourner Development Corporation, contains 21 units of affordable rental housing for homeless women. The current PILOT agreement provides a tax exemption for all assessed valuation in excess of \$100,000 for a period of 25 years, effective with the 1993 assessment roll.

In February 2008, Housing Opportunities Inc. (now Pathstone) submitted an application to New York State to obtain funding for renovation and debt restructuring. The City offered a support letter committing funding and a PILOT agreement to accompany the application.

Pathstone was funded for the project for \$2,775,093 and plans to commence construction on March 1, 2009. The development budget is as follows:

City of Rochester loan	\$ 150,000
Federal Home Loan Bank	50,852
Neighborworks	105,000
Tax credit equity	1,275,093
NYS Housing Trust Fund	<u>1,500,000</u>
Total project cost	\$3,080,945

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-34
(Int. No. 37)

Authorizing A Loan Agreement For The Monica Place Rental Housing Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Monica Homes, LLC or a limited liability company formed for the Monica Place Rental Housing Project, 837 Genesee Street, SBL #135.26-3-33.2. The loan shall be for a term of 30 years with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall 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, \$120,000 is hereby appropriated from 2008-09 HOME Program Funds and \$30,000 is hereby appropriated from 2003-04 HOME Program Funds.

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

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2009-35
(Int. No. 38)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Monica Place 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 property at 837 Genesee Street, SBL #135.26-3-33.2, to be owned by the Housing Opportunities Housing Development Fund Corporation, Inc. or a housing development fund company formed for this Project, and to be used for housing as a part of the Monica Place Rental Housing Project.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-36
Re: Lead Clearance Test Reimbursement Program

Transmitted herewith for your approval is legislation authorizing the use of \$50,000 from the 2007 HUD Lead-Based Paint Hazard Control Grant to support a reimbursement program for property owners. The \$1,606,710 grant was originally authorized in March 2008 to fund the City's Lead-Based Paint Hazard Control Program.

These funds from the HUD grant will re-capitalize the Lead Clearance Test Reimbursement Program. Property owners cited for a lead-based paint hazard are eligible for reimbursement of the cost of the required lead-based paint clearance test. The program had previously been funded through a grant from the Cities United for Science Program (Ordinance No. 2006-279).

A total of 500 property owners will be assisted.

The City will reimburse, up to \$100, property owners who submit satisfactory clearance reports completed by an EPA-certified Risk Assessor. The Neighborhood Service Centers will administer this program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-36
(Int. No. 39)

Designating Funds And Authorizing Agreements For The Lead Clearance Test Reimbursement 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 to fund the Lead Clearance Test Reimbursement Program, shall be funded from the 2007 Lead-Based Paint Hazard Control Grant Program Funds appropriated in Ordinance No. 2008-85.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Lead Clearance Test Reimbursement Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-4
Re: Appointments - Electrical Examining Board

Transmitted herewith for your approval is legislation confirming the appointments of David Young, 21 Gardiner Park, Rochester, 14607, and Joel N. Smith, the City's Manager of Plan Review and Building Inspections, to the Electrical Examining Board.

Mr. Young is replacing Daniel E. Conte, whose term expired December 31, 2008. Mr. Young qualifies as an "electrician with at least 10 years practical experience in specialized work involving electrical installations" as required by the City Charter. His term will extend to December 31, 2011.

Mr. Smith is replacing Mr. Young as the designated representative for the Commissioner of Community Development.

Mr. Young's resume is on file in the City Clerk's Office.

TUESDAY, FEBRUARY 17, 2009

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Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-37
(Int. No. 41)

Resolution No. 2009-4
(Int. No. 40)

Resolution Approving Appointments To The Electrical Examining Board

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

Section 1. The Council hereby approves the appointment of David Young, 21 Gardiner Park, to the Electrical Examining Board for a term which shall expire on December 31, 2011. Mr. Young shall replace Daniel E. Conte, whose term has expired.

Section 2. The Council hereby approves the appointment of Joel Smith, Manager of Plan Review and Building Inspection, to the Electrical Examining Board as the designated representative of the Commissioner of Community Development.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-37
Re: Amending Ordinance No. 2004-316,
Olean & Kennedy Revitalization
Project

Transmitted herewith for your approval is legislation authorizing an amendment to Ordinance No. 2004-316 by adding 1 Flora Street to the list of properties currently receiving a payment in-lieu-of tax agreement (PILOT). Ordinance No. 2004-316 authorized several actions related to the Olean & Kennedy revitalization project, including a tax exemption and PILOT agreement with the Providence South Plymouth Housing Development Fund Company.

Phase I of the revitalization project, construction of new rental housing on vacant property purchased from the City, was completed by Providence Housing Inc. in 2006. In January 2008, the Providence South Plymouth Housing Development Fund Company Inc, a subsidiary of Providence Housing, Inc., purchased 1 Flora Street, a vacant residential lot. This lot is adjacent to 52-54 Violetta Street, one of the homes built through the Olean & Kennedy project receiving a PILOT agreement. The vacant lot offers green space for the residents of 52-54 Violetta Street and Providence Housing is now requesting that the lot be added to the list of properties receiving a PILOT agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Amending Ordinance No. 2004-316, Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

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

Section 1. Ordinance No. 2004-316, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, as amended, is hereby further amended by adding the parcel at 1 Flora Street, SBL #121.69-3-55.1, to the list of tax exempt parcels in Section 1.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-38
Re: New York State Lead Hazard
Control Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Dormitory Authority for the receipt and use of a grant of \$1,500,000 to support the City's Lead Hazard Control program, and authorizing any agreements required to implement the program. This program distributes funds to eligible property owners to correct lead-based paint hazards.

The State funding will enable the City to expand its ability to provide financial assistance to eligible property owners to control lead-based paint hazards in the City's at-risk neighborhoods. The goal of the program is to reduce the incidence of child-lead poisoning. Lead hazard repairs include: window replacement; porch repair/replacement; painting; siding; and bare soil treatment. These funds will be combined with HUD funding as well as funding received from the Greater Rochester Health Foundation to produce an estimated 320 units of lead-safe housing.

This grant was made possible through the efforts of Assemblyman David Gantt.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-38
(Int. No. 58)

Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program

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

Section 1. The Mayor is hereby authorized to

enter into an agreement with the Dormitory Authority of the State of New York for funding for the Lead Hazard Control Grant Program. The Mayor is hereby further authorized to enter into such agreements as may be necessary to implement the Lead Hazard Control Grant Program.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$1,500,000, or so much as may be received, to fund the Lead Hazard Control Grant Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
February 17, 2009

To the Council:

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

Int. No. 42 - Authorizing Extension Of A Professional Services Agreement For The Water Operations Center

Int. No. 43 - Establishing Maximum Compensation For A Professional Services Agreement For The Highland Reservoir Liner Improvement Project

Int. No. 44 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$630,000 Bonds Of Said City To Finance Engineering Services For The Highland Reservoir Liner Improvement Project In The City

Int. No. 45 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Chapel Of Peace Project

Int. No. 48 - Authorizing Agreements With Respect To The Jefferson Road Reconstruction Project

Int. No. 53 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,799,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2009 Street Improvement Program

Int. No. 54 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,750,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The 2009 Street Improvement Program

Int. No. 55 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance

Of \$678,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The 2009 Street Improvement Program

Int. No. 56 - Appropriating Funds For The Ashwood Drive Group Improvement Project

Int. No. 59 - Establishing Maximum Compensation For A Professional Services Agreement For The Trinidad Street, Hebard Street And Trinidad Street Parking Lot Improvement Project

Int. No. 61 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$328,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Avenue (Genesee Park Boulevard To West City Line) Improvement Project

Int. No. 62 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$157,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Brooks Avenue (Genesee Park Boulevard To West City Line) Improvement Project

Int. No. 63 - Establishing Maximum Compensation For A Professional Services Agreement And Appropriating Funds For The Brooks Avenue (Genesee Park Boulevard To West City Line) Improvement Project

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

Int. No. 46 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 47 - Local Improvement Ordinance - Security At The Public Market

Int. No. 11 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2009-10

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-39
Re: Amendatory Agreement -
Water Operations Center

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, 300 State Street, for architectural and engineering services for the Water Operations Center, 10 Felix Street. This legislation will

extend the term of the original agreement for an additional twelve months, with no additional funding required.

The original agreement for the new Water Operations Center was authorized in February 2004, and is due to expire in March 2009. Construction on the Operations Center was completed in December 2006.

Additional work is required to design and construct an accessory structure for the storage of bulk materials and for related minor on-site improvements. The new structure will provide protection for sand, topsoil, and other bulk materials. It will also provide for year-round availability of materials used for water main construction and repairs. The estimated cost of construction is \$180,000.

Design will continue through Spring 2009, with construction commencing in Summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-39
(Int. No. 42)

Authorizing Extension Of A Professional Services Agreement For The Water Operations Center

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

Section 1. The Mayor is hereby authorized to enter into an extension for an additional twelve months of the professional services agreement between the City and LaBella Associates for architectural and engineering services for the Water Operations Center.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-40 and
Ordinance No. 2009-41

Re: Agreement - Malcolm Pirnie, Highland Reservoir Liner Improvements

Transmitted herewith for your approval is legislation establishing \$630,000 as maximum compensation for an agreement with Malcolm Pirnie, 300 State Street, Rochester, NY, for the design of improvements to Highland Reservoir, and authorizing the issuance of \$630,000 in bonds to fund the agreement. This cost has been planned for in the 2008-09 Capital Improvement Plan.

Highland Reservoir was constructed in 1874-76. In June 2008, the reservoir was drained to determine the source of possible leaks. Foundation Design, P.C. was hired for this purpose and con-

cluded that the reservoir had a clay liner that varied in thickness (2"-6") and was insufficient to serve as a reliable lining system. Foundation Design also determined that the reservoir embankment was stable and not in danger of failure. The Water Bureau continues to monitor two areas in Highland Park where moisture may be caused by reservoir water leaks.

This project is part of a larger project for compliance with the U.S. Environmental Protection Agency Long Term 2 Enhanced Surface Water Treatment Regulation that affects all City reservoir systems. A comprehensive evaluation of City reservoirs in 2006 resulted in the development of a multi-phase reservoir improvement program. It is anticipated that all phases of the Reservoir Improvement Program will be completed by 2014. The Highland Reservoir Liner Improvement Project, the first recommended phase, also includes modifications to the water lines that supply the reservoir, and improvements to several aging structures within the reservoir.

Malcolm Pirnie will provide engineering services to develop construction drawings and specifications for installation of a new impermeable reservoir lining system and other related improvements to Highland Reservoir, including construction-phase engineering and Resident Project Representation (RPR) services.

Proposals for these services were solicited from five firms. Responses were received from: O'Brien & Gere, Rochester; Arcadis, Fairport, NY; and Malcolm Pirnie, Rochester. Malcolm Pirnie is recommended given the design team qualifications and experience with reservoir lining systems.

Preliminary design will begin in Spring 2009. Final design is expected to be completed by December 2009 with construction beginning in February 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-12

Ordinance No. 2009-40
(Int. No. 43)

Establishing Maximum Compensation For A Professional Services Agreement For The Highland Reservoir Liner Improvement Project

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

Section 1. The sum of \$630,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Malcolm Pirnie for design services for the Highland Reservoir Liner Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordi-

nance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-41
(Int. No. 44)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$630,000 Bonds Of Said City To Finance Engineering Services For The Highland Reservoir Liner Improvement Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of engineering services related to the Highland Reservoir Liner Improvement Project in the City, which includes the installation of a liner for the Highland Reservoir, modifications to the water lines that supply the Highland Reservoir, and improvements to structures within the Highland Reservoir (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 \$630,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$630,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$630,000 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 \$630,000. 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 con-

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-42
Re: Agreement - SWBR Architects,
Riverside Cemetery Chapel of Peace

Transmitted herewith for your approval is legislation establishing \$425,000 as maximum compensation for an agreement with SWBR Architects, 387 East Main Street, Rochester for architectural and engineering services for the Riverside Cemetery Chapel of Peace Project. The cost of the agreement will be financed from the 2008-09 Cash Capital allocation of the Department of Environmental Services.

This project will include the design and construction of a new community mausoleum structure and chapel, to complement existing mausoleum structures at the Cemetery. In addition to ground plots and vaults, Riverside Cemetery built two mausoleum structures in 1989. Current programming needs for the community mausoleum dictate a chapel as well as interior and exterior crypt spaces with an anticipated capacity of 1,200-1,500 total spaces.

The Consultant will provide a condition survey and market analysis report; they will be responsible for program development, site evaluation, a site survey and preliminary site plan, as well as schematic design, design development, contract document, bidding phase and construction administration phase services.

Proposals were solicited from eight firms; five responded, including Chaintreuil Jensen Stark Architects, Clark Patterson Lee, CMA Architecture, FRA Engineering and SWBR Architects. Project-specific qualifications of each firm were rated by a team of City staff including DES Architectural Services and the Department of Recreation and Youth Services. Based on their qualifications and approach to the project, SWBR Architects was selected.

Design phase services will begin in Spring 2009, with construction anticipated to begin in Spring 2010, and completion scheduled for Spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-42
(Int. No. 45)

Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Chapel Of Peace Project

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

Section 1. The sum of \$425,000, 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 SWBR

Architects for architectural and engineering services for the Riverside Cemetery Chapel of Peace Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project for which the services are provided. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-43
Re: Jefferson Road (NYS 252)
Reconstruction Project

Transmitted herewith for your approval is legislation related to a State project to reconstruct a portion of Jefferson Road between Marketplace Drive and Ridgeland Road, in the Town of Henrietta. Part of the project will involve the installation of a new blow-off valve assembly on the City's water transmission main (Conduit 1). This legislation will authorize an agreement with the New York State Department of Transportation that will:

1. Provide for the City of Rochester's participation in the project;
2. Provide for reimbursement by the City to NYSDOT of an amount not to exceed \$30,000, for the portion of work related to Conduit 1; and
3. Require the City to provide any necessary maintenance for the valve.

The cost of the City's portion of project work will be funded from 2007-08 (\$17,000) and 2008-09 (\$13,000) Cash Capital (Water Fund).

Construction is scheduled to begin in Spring 2009 and be completed within two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-13

Ordinance No. 2009-43
(Int. No. 48)

Authorizing Agreements With Respect To The Jefferson Road Reconstruction Project

WHEREAS, Section 10, Subdivision 27 of the New York State Highway Law provides, in part, that the Commissioner of Transportation shall have power, upon the request of the municipality, to perform for and at the expense of such municipality, any work of construction or reconstruction, including the removal and relocation of facilities, provided the Commissioner of Transportation deems it practicable to perform such work in con-

nection with the performance of any work of construction, reconstruction, or improvement; and

WHEREAS, the State of New York is presently preparing contract plans for the Reconstruction of NYS Route 252 (Jefferson Road), Marketplace Drive to Ridgeland Road, S.H. 8443, in the Town of Henrietta, Monroe County, P.I.N. 4046.11.305, which involves construction at the location where the City of Rochester contemplated installation of a new 6² NPS ductile iron blow-off valve; and

WHEREAS, said construction, reconstruction, or improvement can be undertaken in conjunction with the installation of the aforesaid new 6² NPS ductile iron blow-off valve at a substantial ultimate savings to the City of Rochester, and the Council of the City of Rochester, in regular meeting convened, petitions the New York State Department of Transportation as follows;

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

Section 1. The Council hereby approves City participation in the Jefferson Road (NYS Route 252) Reconstruction Project. The Council approves the incorporation into the Project of the installation of a new blow-off valve on the City's water transmission main known as Conduit 1, adjacent to the intersection of Jefferson Road (NYS Route 252) and East Henrietta Road (NYS Route 15A). The City agrees to be responsible for the cost of the installation of the blow-off valve and to maintain the new blow-off valve subsequent to its construction.

Section 2. The Mayor is hereby authorized to execute all necessary agreements and documents with the New York State Department of Transportation for City participation in the Project. The agreements and documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$30,000, and of said amount, or so much thereof as may be necessary, \$17,000 shall be funded from the 2007-08 Cash Capital allocation (Water Fund) and \$13,000 shall be funded from the 2008-09 Cash Capital allocation (Water Fund).

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-44,
Ordinance No. 2009-45,
Ordinance No. 2009-46 and
Ordinance No. 2009-47
Re: Street Improvement Program

Transmitted herewith for your approval is legislation related to the annual Street Improvement Program. This legislation will:

1. Authorize the issuance of bonds totaling \$3,799,000 and the appropriation of the proceeds thereof to finance portions of the Street Improvement Program;
2. Authorize the issuance of bonds totaling \$1,750,000 and the appropriation of the proceeds thereof to finance Water improvements;
3. Authorize the issuance of bonds totaling \$678,000 and the appropriation of the proceeds thereof to finance Sewer improvements; and
4. Appropriate \$234,000 from the General Community Needs allocation of the 2008-09 Consolidated Community Development Block Grant program to finance construction of a portion of the Ashwood Drive Group Improvement Project.

This year's Street Improvement Program provides for the resurfacing of approximately 9.15 miles of streets; the rehabilitation or reconstruction of approximately 1.58 miles of residential streets; the replacement of curbs of approximately 3.57 miles on residential streets, and other related improvements as in the attached list of streets.

The proposed request for bonding is consistent with the following Capital Improvement Programs:

<u>Capital Plan</u>	<u>Street</u>	<u>Water</u>	<u>Sewer</u>
2005-06	\$ 0	\$ 147,000	\$ 0
2006-07	63,000	1,406,000	0
2007-08	320,000	102,000	348,000
2008-09	3,416,000	95,000	330,000
2008-09 CDBG	<u>234,000</u>	<u>0</u>	<u>0</u>
Totals	\$4,033,000	\$1,750,000	\$678,000

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-14

Ordinance No. 2009-44
(Int. No. 53)

Bond Ordinance Of The City Of Rochester,

New York, Authorizing The Issuance Of \$3,799,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2009 Street Improvement Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2009 Street Improvement Program in the City, including but not limited to the streets contained on the list on file with the City Clerk (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 \$4,033,000. The plan of financing includes the issuance of \$3,799,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$234,000 appropriated from Community Development Block Grant 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 \$3,799,000 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 "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$3,799,000. 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 appro-

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

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

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

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

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

Passed unanimously.

Ordinance No. 2009-45
(Int. No. 54)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,750,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The 2009 Street Improvement Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2009 Street Improvement Program in the City, including but not limited to the streets contained on the list on file with the City Clerk (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,750,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,750,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,750,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,750,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00

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

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

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

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

Passed unanimously.

Ordinance No. 2009-46
(Int. No. 55)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$678,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The 2009 Street Improvement Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the 2009 Street Improvement Program in the City, including but not limited to the streets contained on the list on file with the City Clerk (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 \$678,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$678,000 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 \$678,000 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 \$678,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the

terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

Ordinance No. 2009-47
(Int. No. 56)

Appropriating Funds For The Ashwood Drive Group Improvement Project

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

Section 1. There is hereby appropriated from the General Community Needs allocation of the 2008-09 Community Development Program the sum of \$234,000, or so much thereof as may be necessary, to fund the Ashwood Drive Group Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-48
Re: Agreement - Passero Associates,
Trinidad/Hebard Street Improvement
Project

Transmitted herewith for your approval is legislation establishing \$90,000 as maximum compensation for an agreement with Passero Associates for the provision of construction phase design and resident project representation (RPR) Services for the Trinidad Street, Hebard Street, and Trinidad Parking Lot Improvement Project. The cost of the agreement will be financed as follows:

<u>Project Source</u>	<u>Amount</u>
Street improvements	
Bond Ordinance 2007-265	\$23,400
Water improvements	
Bond Ordinance 2007-266	5,400
Parking lot improvements	
2008-09 Cash Capital	<u>61,200</u>
Total	\$90,000

Design of the Trinidad Street and Hebard Street improvements was done by City staff; Passero provided the design work for the Trinidad parking lot improvements through an agreement authorized by Council in September 2007. The street improvements and parking lot improvements were combined into one project to economize on construction and RPR costs and schedule. The transmittal attachment summarizes City Council action on both projects to date.

The Trinidad Street and Hebard Street portion of the project will include rehabilitation or reconstruction of Trinidad Street from North Union Street to Hebard Street, and Hebard from Trinidad to Wangman Street. Work includes the replacement of concrete sidewalks and driveway aprons, granite curbs, street lighting improvements, drainage improvements, relocation of water utilities, new pavement markings and signage and landscaping improvements.

The Trinidad Parking Lot Improvements include removal of existing pavement and remnant site elements/grading, curb and pavement improvements, drainage, lighting, shared lot line delineation and buffering, right-of-way frontage definition, and landscaping. The project shall also include a new pedestrian gate and walkway into the Public Market at the North Union Street Gateway. The proposed lot will accommodate approximately 300 vehicles.

Bids for construction were received on January 6, 2009, with Villager Construction as the apparent low bidder at \$937,046. Passero Associates was selected to perform the RPR services because of their previous design services on the parking lot improvements, familiarity with the project, and availability and qualifications of the personnel assigned to the project.

A public meeting for the street improvements was held on June 5, 2006. A public meeting for the Trinidad Parking Lot improvements was held on May 28, 2008. A public informational meeting for the project will be held prior to construction, scheduled to begin Spring 2009, with completion anticipated in late Summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-15

Ordinance No. 2009-48
(Int. No. 59)

Establishing Maximum Compensation For A Professional Services Agreement For The Trinidad Street, Hebard Street And Trinidad Street Parking Lot 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 Passero Associates for construction phase design and resident project inspection services for the construction of the Trinidad Street, Hebard Street and Trinidad Street Parking Lot Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$23,400 shall be funded from Bond Ordinance No. 2007-265, \$5,400 shall be funded from Bond Ordinance No. 2007-266, and \$61,200 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-49,
Ordinance No. 2009-50 and
Ordinance No. 2009-51

Re: Brooks Avenue Improvement Project
(Genesee Park Blvd.-West City Line)

Transmitted herewith for your approval is legislation related to the Brooks Avenue (Genesee Park Boulevard-West City Line) Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$328,000 and appropriation of the proceeds thereof to finance a portion of the costs of the street improvements;
2. Authorize the issuance of bonds in the amount of \$157,000 and appropriation of the proceeds thereof to finance the cost of the water improvements;
3. Appropriate \$751,000 in anticipated reimbursements from Monroe County to finance a portion of the costs of the street improvements; and
4. Establish \$175,000 as maximum compensation for a professional services agreement

with Hunt Engineers, Architects & Land Surveyors, P.C., Rochester, for resident project representation services. The cost of this agreement will be financed from the bonds requested herein.

The Brooks Avenue Improvement Project is part of the County-assisted Arterial Improvement Program. In September 2007, Council authorized Hunt Engineers to perform the planning and preliminary engineering and design; the plan was approved by Council in March 2008. The project includes reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water mains on side streets; new hydrants and replacement of water services; new pavement markings, and signal equipment upgrades; topsoil and seeding.

Bids for construction were received on January 29, 2009. The work will be performed by Sealand Contractors Corp. at a cost of \$926,660, which is 29% less than the engineer's estimate. An additional \$134,340 (11%) will be allocated for contingencies which include street lighting costs and other items not included in the contract. This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by Council in October 2003.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Total</u>
	<u>Contingency</u>		
Street	\$115,930	\$ 90,615	
	\$121,455	\$ 328,000	
Water	121,330	22,785	157,000
	12,885		
County highway	<u>689,400</u>	<u>61,600</u>	<u>751,000</u>
	<u>0</u>		
Total	\$926,660	\$175,000	
	\$134,340	\$1,236,000	

The cost of the street improvements will be financed from proceeds of the proposed street bond and from anticipated reimbursements from Monroe County. The cost of the water improvements will be financed from proceeds of the proposed water bond.

Hunt Engineers is being recommended for RPR services for the project based on their qualifications and familiarity with the project.

Construction is expected to begin Spring 2009, with completion in Fall 2009. Public informational meetings were conducted on January 30, 2008 and October 22, 2008. The minutes of these meetings are on file in the City Clerk's office.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2009-49
(Int. No. 61)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$328,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Brooks Avenue (Genesee Park Boulevard To West City Line) 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 Brooks Avenue (Genesee Park Boulevard to West City Line) 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 \$1,079,000. The plan of financing includes the issuance of \$328,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$751,000 appropriated from anticipated reimbursements from Monroe County, 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 \$328,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes

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

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

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

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

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

Passed unanimously.

Ordinance No. 2009-50
(Int. No. 62)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$157,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Brooks Avenue (Genesee Park Boulevard To West City Line) 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 Brooks Avenue (Genesee Park Boulevard to West City Line) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$157,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$157,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$157,000 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 \$157,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2009-51
(Int. No. 63)

Establishing Maximum Compensation For A Professional Services Agreement And Appropriating Funds For The Brooks Avenue (Genesee Park Boulevard to West City Line) Improvement Project

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

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hunt Engineers, Architects & Land Surveyors, P.C. for resident project representation services related to the Brooks Avenue (Genesee Park Boulevard to West City Line) Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$90,615 shall be funded from a bond adopted for street purposes, \$22,785 shall be funded from a bond adopted for water purposes, and \$61,600 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the County of Monroe the sum of \$751,000, or so much thereof as may be necessary, to fund construction of the Brooks Avenue (Genesee Park Boulevard to West City Line) Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1594 and
Local Improvement Ordinance No. 1595
Re: Public Market Snow Removal and
Security Services

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market. The snow removal and security districts were established in 1990 and 1991, respectively, and include fifteen properties adjacent to the Public Market.

The City provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee, and a fee per frontage foot.

Snow Removal

In 2009-10, the fees for snow removal services will be: \$100 per property, plus \$2.68 per foot, which is an increase from the \$2.60 fee for 2008-09. The total assessment for 2009-10 is \$5,406.98, \$116.61 more than the 2008-09 amount.

Fixed Fee	\$ 100	Footage Fee	\$ 2.68
Properties	<u>x 15</u>	Footage	<u>x 1,457.83</u>
Total	\$1,500	Total	\$ 3,906.98

Security Services

Fees for security services remain the same for

2009-10; the fixed fee is \$1,190 per property, and the front footage fee remains at \$8.93 per foot. The total amount of the assessment will be \$30,868.42.

Fixed Fee	\$ 1,190	Footage Fee	\$ 8.93
Properties	<u>x 15</u>	Footage	<u>x 1,457.83</u>
Total	\$17,850	Total	\$13,018.42

Public hearings on the assessments are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1594
(Int. No.46)

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, 2009 to June 30, 2010.

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 2009-10 year shall be \$5,406.98. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and sixty eight cents (\$2.68) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u>	<u>Front Footage</u>
<u>SBL No.</u>	
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Ave. 106.590-0003-005.1	81.50

35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The snow plowing and salting services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2009 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1595
(Int. No. 47)

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, 2009 to June 30, 2010.

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 2009-10 year shall be \$30,868.42. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus eight dollars and ninety-three cents (\$8.93) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Ave. 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2009 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Introductory No. 11 was introduced January 20, 2009 and appears in its original form with its transmittal letter on page 24 of the current Council Proceedings.

Local Improvement Ordinance No. 1596
(Int. No. 11)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2009-10

Passed unanimously.

By Councilmember Miller
February 17, 2009

To the Council:

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

Int. No. 49 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project, As Amended

Int. No. 50 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For The High Falls Centers

Int. No. 51 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For Midtown Plaza

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-52
Re: Amendatory Agreement - Ingalls
Planning & Design

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Ingalls Planning & Design (Principal, Matt Ingalls), for continued consulting services related to planning for the Jefferson Avenue Revitalization Project. This amendment will increase maximum compensation by \$2,400 and extend the term of the agreement from May 18 to June 30, 2009. The additional cost will be funded from the 2008-09 Budget of the Economic Development Department.

The original agreement for these consulting services was authorized by Council in May 2008 and established \$20,000 as maximum compensation. Ingalls Planning & Design has provided services for the visioning and design phases of the project. Additional work will include the completion of the economic analysis phase, and the final action plan for Jefferson Avenue that will guide continuing development.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-52
(Int. No. 49, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$[2,400] 3,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Ingalls Planning and Design for planning services for the Jefferson Avenue Revitalization Project. Said amount shall be funded from the 2008-09 Budget of the Economic Development Department.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-53
Re: High Falls Centers Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Parks, Recreation and Historic Preservation for the receipt and use of a \$7,000 grant; and amending the 2008-09 budget of the Department of Economic Development to reflect the grant.

The funds will be used solely and directly for maintenance and repairs to the High Falls Centers Interpretive Center Museum Exhibits located at 60 Brown's Race in Rochester, NY 14614.

The grant was received by the City in December 2008; repairs must be completed and paid for by March 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-53
(Int. No. 50)

Authorizing A Grant Agreement And Amending The 2008-09 Budget For The High Falls Centers

BE IT 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 maintenance and repairs to the High Falls Centers Interpretive Center Museum Exhibits.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Economic Development Department by the sum of \$7,000, which amount is hereby appropriated from funds

received through the grant agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-54
Re: Midtown Revitalization Project

Transmitted herewith for your approval is legislation related to the Midtown Plaza Revitalization Project. This legislation will:

1. Authorize an amendatory agreement with Broadstone Real Estate, LLC to increase maximum compensation by \$300,000 and extend the term of the agreement to August 31, 2009 for continued management of the Midtown properties. This will bring maximum compensation to a total of \$750,000.
2. Authorize an amendatory agreement with R. K. Hite & Co., Inc. and Flaum Management, Inc. to increase maximum compensation by \$43,000 and extend the term of the agreement by an additional 12 months for the continuation of relocation, planning and advisory services for Midtown Plaza tenants. This will bring maximum compensation to a total of \$298,100.

These additional costs will be funded from the 2008-09 Cash Capital allocations for acquisition and development, and for management and operation of the Midtown Plaza properties.

Ordinance No. 2008-152 authorized the appropriation of \$900,000 for management and operation of the Plaza through December 31, 2008, when it was anticipated that the properties would be vacated. The same legislation authorized \$300,000 for an agreement with Broadstone for management services.

In September 2008, the Broadstone agreement was amended to increase compensation by \$150,000 when it became clear that several tenants could not vacate the premises by December 31, 2008. That additional cost was covered by the original \$900,000 appropriation.

The amendments requested herein are required to cover services through August 2009. One tenant, Clear Channel, will occupy the property through April 2009, and a second tenant, Trailways, may occupy the property through August 2009. Also, the date for commencement of asbestos removal and demolition has not yet been established by Empire State Development. Once that work begins, operating costs will be transferred to the budget set by Empire State Development.

The original agreement with R.K. Hite & Co., Inc. and Flaum Management, Inc. (per Ordinance No.

2007-481), established \$255,100 as maximum compensation for relocation services for the 50 tenants of Midtown Plaza. The following summarizes progress to date with tenants:

Tenants declining benefits	1
Tenants vacated prior to eligibility	2
Tenants with processed claims	39
Tenants with claims being prepared	3
Tenants with claims to be prepared	5

Due to the complexity of many of the business relocations and the need for strict compliance with federal relocation guidelines, additional funds are required for payment of past services rendered and to complete the relocation of the remaining four tenants.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-16

Ordinance No. 2009-54
(Int. No. 51)

**Establishing Maximum Compensation For
Amendatory Professional Services Agreements
For Midtown Plaza**

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Broadstone Real Estate, LLC for management of the Midtown Plaza properties. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. The sum of \$43,000, 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 Flaum Management, Inc. and R.K. Hite & Co., Inc. for relocation planning and advisory services for Midtown Plaza tenants as a part of the Midtown Plaza Revitalization Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
February 17, 2009

To the Council:

The following entitled legislation is being held in the Public Safety & Recreation Committee:

Int. No. 52 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

Councilmember McFadden moved to discharge Int. No. 52 from Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-55
Re: Agreement - The Springut Group,
Party in the Park Concert Series

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with The Springut Group (principal: Jeffrey Springut), Rochester, for booking national and regional artists for the 2009 "Party in the Park" concert series. The cost of this agreement will be financed from the Rochester Events Network trust fund (\$76,000) and the 2009-10 Budget of the Department of Communications (\$24,000).

The ten concerts will be held on nine Thursdays and one Friday between June 11 and August 6, 2009 at the Riverside Festival Site (corner of Exchange Boulevard and Court Street). For each concert, The Springut Group will provide artists for all opening and headline acts. It will also provide a production manager and hospitality for the artists.

A request for proposals was issued in December 2008 directly to event promoters in the Rochester area, and that the City has had agreements with during the past four years. The RFP was also posted on the City's website. Responses were received from four Rochester firms: The Springut Group; Upstate Cats Entertainment, Beau Productions; and Up All Night Productions. An interdepartmental review committee evaluated proposals using the following criteria: relevant experience and success in outdoor event production, references, and a revenue sharing proposal. Based on evaluations, The Springut Group was selected.

In 2008, this free concert series attracted an average of 4,000 per event, with the largest crowd numbering over 6,500. As in past years, this agreement will contain a revenue sharing compo-

ment providing The Sprigut Group exclusive rights to food and beverage vending in exchange for set rates of food and beverage volume sold.

In the past nine years, the City was provided 25% of the net revenue from food and beverage sales. In 2008, a total of \$32,868 was received by the City for the ten-event series.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-55
(Int. No. 52)

Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

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

Section 1. The sum of \$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 Sprigut Group for talent booking services for the "Party in the Park" concert series. Of said amount, \$76,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$24,000 shall be funded from the 2009-10 Budget of the Bureau of Communications, contingent upon approval of said budget. The agreement shall also provide The Sprigut Group exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for the sharing of certain revenue from the food and beverage sales with the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:55 P.M.

DANIEL B. KARIN
City Clerk

**REGULAR MEETING
MARCH 18, 2009**

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Jeffrey L. Downey
 - Library
 - *Nancy A. Frey
 - Police Department
 - *Matthew J. McGee
 - *James W. Noble
 - *Stephen R. Williams
- *Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of February 17, 2009 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 3954-7
 - Notice of Environmental Determination 3955-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES. None presented.

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 1443-1477 East Main Street From R-2/O-O Medium Density Residential/Office Overlay To C-1 Neighborhood Commercial Int. No. 74 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Falls Street Int. No. 78 No speakers.

Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District Int. No. 82 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-56
Re: Midtown Redevelopment Project

Transmitted herewith for your approval is legislation adopting the State Environmental Quality Review Findings Statement for the Midtown Redevelopment Project as approved by the Director

of Zoning, the Lead Agency. In accordance with the NYS Environmental Quality Review Act and Chapter 48 of the Municipal Code, the Council must make its findings before taking any further action relating to the Midtown Redevelopment Project.

A final generic environmental impact statement for the Project was prepared by LaBella Associates P.C. on behalf of the Director of Zoning, and was accepted on February 20, 2009. A copy of the State Environmental Quality Review Findings Statement was submitted to the Office of the City Clerk on March 3, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-56
(Int. No. 102)

Adopting Environmental Findings For The Midtown Redevelopment Project

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

Section 1. The Council hereby adopts the State Environmental Quality Review Findings Statement for the Midtown Redevelopment Project as approved by the Director of Zoning as Lead Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
March 18, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 67 - Amending The 2008-09 Budget For The Office Of Special Events And Amending Ordinance No. 2008-394

Int. No. 68 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Advisory Services

Int. No. 69 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Services

Int. No. 70 - Authorizing An Agreement For The Lease Of Space For The Office Of Employment Opportunities

Int. No. 101 - Authorizing Agreements For The Rochester Rhinos Stadium Project, Appropriating Funds And Amending Ordinance No. 2008-325

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

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-57
Re: Budget Amendment - Special Events

Transmitted herewith for your approval is legislation related to the recent shift of the Special Events unit from the Department of Recreation and Youth Services to the Bureau of Communications. The move is being made to promote efficiencies in planning and promotion, and to align similar work activities under one director. This legislation will:

1. Amend the 2008-09 Budget by transferring \$1,025,000 from the Department of Recreation and Youth Services to Communications. The total amount consists of the Special Events activity in the amount of \$962,300 and the High Falls laser show activity in the amount of \$62,700. This transfer includes five full-time positions and one part-time position.
2. Amend Ordinance 2008-394, which was approved by Council on November 25, 2008, for an agreement with the Rochester Philharmonic Orchestra in the amount of \$75,000. The ordinance shall be amended to say "funded from the 2008-09 Budget of Communications."

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-17

Ordinance No. 2009-57
(Int. No. 67)

Amending The 2008-09 Budget For The Office Of Special Events And Amending Ordinance No. 2008-394

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,025,000 from the Department of Recreation and Youth Services to the Bureau of Communications to fund the Office of Special Events.

Section 2. Ordinance No. 2008-394, relating to an agreement with the Rochester Philharmonic Orchestra, is hereby amended by changing the source of funding from the 2008-09 Budget of the Department of Recreation and Youth Services to the 2008-09 Budget of the Bureau of Communica-

tions.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-58
Re: Agreement - Gartner, Inc.,
Information Technology Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Gartner, Inc. of Connecticut for continued information technology research and advisory services. The original agreement, authorized in March 2008, established maximum compensation of \$25,500. This amendment will increase this amount by \$26,950 for a total of \$52,450, and extend the term of the agreement by one year. The additional amount will be funded from the 2008-09 Budget of the Information Technology Department (ITD).

Gartner, Inc. is a leading independent information technology research firm which provides research and advice on vendors, product technology, and best practices used in the field and in governmental agencies. Gartner's expertise will assist ITD in the continuing development of its general strategy, making recommendations on vendor selection, and in implementing related best practices within ITD and other City departments. Gartner's services have been used during the last year to assist with the validation of specifications for requests for proposals, to select and deploy an effective organization-wide business process automation system, and to provide guidance on the development of negotiation strategies for major software and hardware purchases.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-58
(Int. No. 68)

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

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

Section 1. The sum of \$26,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-59
Re: Agreement - PSR Incorporated,
IBM Mainframe Disaster Recovery
And Maintenance

Transmitted herewith for your approval is legislation establishing \$228,000 as maximum compensation for a five year agreement with PSR Incorporated, Canton, MA, to provide a backup for the City's mainframe computer in the event of a disaster. The annual cost of this agreement, \$45,600, will be funded from the 2008-09 and subsequent annual budgets of the Information Technology Department.

The majority of the City's business operations run on the IBM mainframe computer located within the city. Over the years, the City has developed numerous systems and programs to perform critical activities such as payroll, tax billing, finance transactions, and building service information. These services depend completely on the availability of the mainframe, which underscores the need for a backup in case of a disaster, extended outage or unrecoverable mainframe problem.

PSR Incorporated will provide:

- Mainframe resources at their secure data center with capabilities that equal or surpass the City's mainframe;
- Upgrades to the City's mainframe system to ensure compatibility with the back-up system (requires approximately 450 hours);
- Testing and support services to ensure operability of recovery systems; and
- Connections from City locations to the PSR mainframe to support remote operation of recovery tests and incidents.

PSR Incorporated was selected for these services because of their familiarity with our existing mainframe system. PSR provided outstanding service in 2007 supporting the purchasing of our current mainframe. They also provided consulting services during the move of information technology functions from City Hall to the Public Safety Building in 2002.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-59
(Int. No. 69)

Establishing Maximum Compensation For A Professional Services Agreement For Computer Services

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$228,000, 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 PSR Incorporated for disaster recovery and professional support services for the IBM mainframe for a period of five years. Of said amount, \$45,600 shall be funded annually from the 2008-09 and subsequent Budgets of the Information Technology Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-60
Re: Lease Agreement - Rochwil Associates, Space for the City's Office of Employment Opportunities

Transmitted herewith for your approval is legislation authorizing a two-year lease agreement with Rochwil Associates for the use of 16,281 square feet of space on the second floor of the Sibley Tower Building. Rochwil Associates is donating the space and will provide utilities at no cost to the City. This agreement does not require the use of City funds as payment for use of the space. The lease will terminate on March 31, 2011.

This space will accommodate the newly established Office of Employment Opportunities. It is anticipated that the space will be shared with partners who will be participating in various training-to-employment services. The space will be used as a center for technical education, training, workforce development and support, with the goal of creating employment opportunities for Rochester residents.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-60
(Int. No. 70)

Authorizing An Agreement For The Lease Of Space For The Office Of Employment Opportunities

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochwil Associates for the lease of approximately 16,281 square feet of space at the Sibley Tower Building for the Office of Employment Opportunities. The lease shall extend through February 28, 2011. Rochwil Associates shall donate the cost of the space and the

cost of utilities to the City.

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. 2009-61
Re: Dormitory Authority Grant - Rochester Rhinos Stadium Project

Transmitted herewith for your approval is legislation related to State funding for the Rochester Rhinos Stadium. This legislation will:

1. Authorize an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of \$4,000,000 in anticipated reimbursements to continue the design and construction of the Rochester Rhinos Stadium Project;
2. Establish \$3,700,000 as maximum compensation for an agreement with LeChase Construction Services, LLC, Rochester, to continue construction and construction management services; and
3. Amend Ordinance No. 2008-325 which established maximum compensation for an agreement with HOK Sports Facilities Architects P.C. for architectural design services. The amendment will change the source of funds from the 2007-08 Cash Capital allocation to the anticipated reimbursements from the Dormitory Authority.

The Rochester Rhinos Stadium LLC was in default of the ground lease with the City for the stadium properties and was also in default of the private loan it had obtained to develop the subject parcels. Before construction of the stadium was completed, the City cancelled the ground lease in February 2008 and took possession of the unfinished stadium. The City also assumed administrative oversight for the second phase of the Stadium project.

The application to DASNY from the Stadium LLC, with LeChase designated as the construction firm, was in place when the company defaulted. DASNY requested a new application with the City after it assumed responsibility. In order to take advantage of the work LeChase had completed, their familiarity with the design, and the fact that DASNY will not provide reimbursement to re-do any work that was or should have been part of the earlier phase, LeChase has been selected to continue with this phase. LeChase has agreed to continue with the project labor agreement they had already established.

The project will include the completion of the

press box and build-out of approximately sixteen suites and a clubroom/lounge on the existing Press Level. If funds are available, locker rooms for the teams will also be constructed. Once the final design is completed and the parties agree upon responsibility for different portions of the Project, the amount available under the agreement with LeChase may be reduced by amounts necessary to fund City portions of the Project, all within the total amount.

It is anticipated that construction will commence in April 2009, with completion by the end of the year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-61
(Int. No. 101)

Authorizing Agreements For The Rochester Rhinos Stadium Project, Appropriating Funds And Amending Ordinance No. 2008-325

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York for funding for the continuation of the Rochester Rhinos Stadium Project.

Section 2. There is hereby appropriated from anticipated reimbursements from the Dormitory Authority of the State of New York the sum of \$4,000,000, or so much thereof as may be necessary, to fund the continuation of the Rochester Rhinos Stadium Project.

Section 3. The sum of \$3,700,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and LeChase Construction Services, LLC for continuation of construction and construction management services for the Rochester Rhinos Stadium Project. Said amount shall be funded from the appropriation made in Section 2.

Section 4. Ordinance No. 2008-325, relating to an agreement for architectural design services for the Rochester Rhinos Stadium Project, is hereby amended by changing the source of funding from the 2007-08 Cash Capital allocation to the appropriation made in Section 2.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
March 18, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following

entitled legislation:

Int. No. 71 - Authorizing The Sale Of Real Estate

Int. No. 72 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program And Repealing Ordinance No. 2009-6, As Amended

Int. No. 73 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2007-31

Int. No. 95 - Resolution Approving Reappointments To The Electrical Examining Board

Int. No. 100 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement And Demolition Of 300-320 Andrews Street And 25 Evans Street In The City

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

Int. No. 74 - Changing The Zoning Classification Of 1443-1477 East Main Street From R-2/O-O Medium Density Residential/Office Overlay To C-1 Neighborhood Commercial

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-62
Re: Sale of Real Estate

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

The first property is a buildable lot being sold in the Susan B. Anthony Request for Proposal (RFP) sale. The purchaser is the owner of the adjoining property and will combine the vacant land with her primary lot. The vacant lot is not appropriate for a single-family structure; the purchaser has agreed to a permanent easement to allow access through the property. This access and her plan to build a traditional Victorian garden are consistent with the

neighborhood plan.

The next lot is being sold at appraised value to SUNOCO, Inc. SUNOCO leases the adjoining lot at 1431 Dewey Avenue as a gas station. The buyers plan to utilize the City-owned land with the leased lot and provide an additional area for parking.

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

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,243.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-18

Ordinance No. 2009-62
(Int. No. 71)

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 through the request for proposal sale of vacant land with proposal:

Address: 20 King St
S.B.L.#: 120.36-2-38.2
Lot size: 40x128
Price: \$50
Purchaser: Marlene Sutliff

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

Address: 1441 Dewey Ave
S.B.L.#: 090.50-1-62
Lot size: 51x100
Price: \$13,000
Purchaser: *SUNOCO, Inc.

* Principals: Terence P. Delaney, Interim Chief Financial Officer; Lynn L. Eisenhans, CEO/President/Director; Michael Colavita, Treasurer; Bruce G. Fischer, Sr. Vice President; Michael J. Hennigan, Sr. Vice President; Vincent J. Kelley, Sr. Vice President; Joseph P. Krott, Comptroller

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
221 Fulton Ave 105.35-1-16	55x82 Donna Phoenix	4,510
95 Eiffel Pl 091.80-4-43	37x142 John & Denise Norris	5,254
10 Reed Pk 106.41-2-45	38x90 Antonina Mastrovecchio	3,420
30-32 Melville St 107.53-2-76.1	58x108 *N.E.A.D.	3,675
925 Hudson Ave 091.81-1-10	34x110 **Christ Divine Assembly	3,740

* Principals: Thomas Banister, President; Donna Blake, Vice President; Robert Shewell, Secretary; Kenneth Graci, Treasurer; Juanita Ball, Board Member; Joan Moorehead, Board Member; Eloise Henry, Board Member; Jimmie Highsmith, Jr., Board Member; Mary Ann Lipani-Sample, Board Member

** Principals: Pastor Arthur Kerr; Trustees - Sean Nhung, Arthur Kerr, Norma Kerr

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-63
Re: New York State Affordable
Housing Corporation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Affordable Housing Corporation for the receipt and use of a \$500,000 grant. These funds will be used to offer owner-occupants financial assistance to correct lead-based paint hazards and to undertake general repair work.

The City's Lead Hazard Control Program provides funds to correct lead-based paint hazards, but does not fund general rehabilitation such as furnace repairs, electrical work or sewer replacement. This grant will fill this void by making funding available for both lead hazard control as well as general repair work. Applicants will be required to enroll in the City's Lead program to take advantage of these funds. However, flexibility will be maintained to allow these funds to be paired with funding for future programs.

Eligible work activities will include lead hazard control, repairs affecting health and safety, code compliance, and general repairs. Eligible property owners must earn incomes at or below 80% of area median income, must have a child under age 6, and must agree to reside in the property for a period of five years. Program eligibility is subject to change should a future funding source be paired with the Affordable Housing Corporation grant funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-63
(Int. No. 72, As Amended)

Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program And Repealing Ordinance No. 2009-6

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Affordable Housing Corporation for funding for the Lead Hazard Control Grant Program and additional general repairs. The Mayor is hereby further authorized to enter into such agreements as may be necessary to implement the Program and additional general repairs.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$500,000, or so much as may be received, to fund the Lead Hazard Control Grant Program and additional general repairs.

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

Section 4. Ordinance No. 2009-6, amending the 2008-09 Budget for lead poisoning prevention, is hereby repealed.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-64
Re: Housing Opportunities for
Persons with AIDS

Transmitted herewith for your approval is legislation related to the 2008-09 Federal Housing Opportunities for Persons with AIDS (HOPWA) Program. This legislation will:

1. Establish maximum compensation for agreements with two service providers as follows:

<u>Organization</u>	<u>Amount</u>	<u>Households Served</u>
AIDS Rochester, Inc.	\$385,338	95
Diocese of Rochester - Catholic Charities	\$236,153	93

2. Amend Ord. No. 2007-31 to reduce the compensation established for Catholic Charities by \$31 and AIDS Rochester, Inc. by \$660, and re-appropriate those unexpended 2006-07 HOPWA funds totaling \$691, to partially fund the above agreements; and

3. Appropriate \$620,800 in HOPWA funds, included in the 2008-09 Consolidated Community Development Action Plan, to finance the cost of the agreements.

The total HUD allocation for 2008-09 is \$640,000; \$19,200 will cover administrative costs.

The HOPWA program provides housing assistance services, long-term rent subsidies, and short-term emergency rent and utility assistance, to meet the housing needs of persons with AIDS and related diseases. Data about the most recent completed program year is attached.

Since 1999, funds for these programs have been allocated to the City as part of the HUD consolidated entitlement program. At that time, a survey of the housing needs and available housing services for people with AIDS was conducted. Organizations that had received HOPWA funds in the past and other agencies that serve people with AIDS were surveyed.

In the absence of inquiries from other qualified providers who have the necessary additional funding from New York State, and with the good performance of current providers, it was decided that current providers be re-funded.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-19

Ordinance No. 2009-64
(Int. No. 73)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2007-31

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons With AIDS Grant Program:

<u>Organization</u>	<u>Amount</u>
AIDS Rochester, Inc.	\$385,338
Catholic Charities, Inc.	236,153

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$621,491, and of said amount, \$620,800 is hereby appropriated from Housing Opportunities for Persons With AIDS Grant Funds and \$691 is reappropriated from funds reduced in Section 4.

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

Section 4. Ordinance No. 2007-31, appropriating funds and authorizing agreements for the Housing Opportunities for Persons With AIDS Grant Program, is hereby amended by reducing the amount authorized and appropriated therein for Catholic Charities, Inc. by the sum of \$31, and for AIDS Rochester, Inc. by the sum of \$660, which amounts are reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-5
Re: Reappointments - Electrical
Examining Board

Transmitted herewith for your approval is legislation confirming the reappointments of five members of the Electrical Examining Board, as follows:

<u>Member</u>	<u>Last Appointment</u>	<u>Attendance</u>
Andrew Cresciullo 14 Yolanda Drive Rochester, NY 14624	March 2007	13 of 16 meetings
Joseph D. Armstrong 30 Cheshire Lane Rochester, NY 14624	March 2007	12 of 16 meetings
William Stiewe Rochester Gas and Electric 89 East Avenue Rochester, New York 14604	March 2007	7 of 16 meetings
Walter Parkes 141 Browncroft Boulevard Rochester, NY 14609	March 2007	10 of 16 meetings
Dennis Schaut 51 Vayo Street Rochester, NY 14609	March 2007	16 of 16 meetings

The terms for each member will extend through December 31, 2011. Resumes are on file in the City Clerks office.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-20

Resolution No. 2009-5
(Int. No. 95)

Resolution Approving Reappointments 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 reappointment of the following persons to the Electrical Examining Board for terms which shall expire on December 31, 2011:

Andrew Cresciullo
14 Yolanda Drive
Rochester, New York 14624

Joseph D. Armstrong
30 Cheshire Lane
Rochester, New York 14624

William Stiewe
Rochester Gas and Electric
89 East Avenue
Rochester New York 14604

Walter Parkes
141 Browncroft Boulevard
Rochester, New York 14609

Dennis Schaut
51 Vayo Street
Rochester, New York 14609

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-65
Re: Issuance of Bonds Asbestos
Abatement and Demolition of
300-320 Andrews Street and
25 Evans Street

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$550,000, and the appropriation of the proceeds thereof for the asbestos removal and abatement, and subsequent demolition of four structures on City-owned parcels located at 300, 304-308, and 320 Andrews Street and 25 Evans Street. Funding for this purpose, identified as "Investigation and Remediation - Andrews Street", was planned for in the 2008-09 Capital Improve-

ment Program.

This work is being performed due to both the poor condition of the structures and to facilitate environmental investigation and remediation of the site for redevelopment. The combined square footage of the structures is approximately 34,000 sq. ft.

The asbestos abatement and demolition will be publicly bid and carried out during 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-65
(Int. No. 100)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement And Demolition Of 300-320 Andrews Street And 25 Evans Street In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of asbestos abatement and demolition of the City-owned structures at 300-320 Andrews Street and 25 Evans Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$550,000 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 \$550,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$550,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said

bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12-a(b) of the Local Finance Law, is ten (10) years.

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a

newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-66
Re: Zoning Map Amendment -
1443 to 1477 E. Main Street

Transmitted herewith for your approval is legislation to amend the Zoning Map by rezoning four properties at 1443-1449, 1453, 1467-1473 and 1477 E. Main Street from R-2/O-O Medium Density Residential/Office Overlay to C-1 Neighborhood Commercial District.

John Sidou owns the building at 1467 E. Main Street, a nonconforming industrial building in the R-2/O-O district, and operates Goodman Glass and Mirror in approximately 5,000 sq. ft. of floor space. The remaining 13,000 sq. ft. is currently leased to another entity, which plans to relocate. The owner requested rezoning to C-2 Community Commercial to improve the property's marketability.

On February 9, 2009 the City Planning Commission conducted an informational hearing. There was one speaker in support of the proposal and no speakers in opposition. By a vote of 6-0-0, the Commission recommended that the application be modified to rezone the parcels to C-1 Neighborhood Commercial, which is more restrictive than C-2.

The Planning Commission recommendation, hearing minutes, and staff report are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. The Mayor as lead agency has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-21

Ordinance No. 2009-66
(Int. No. 74)

Changing The Zoning Classification Of 1443-1477 East Main Street From R-2/O-O Medium Density Residential/Office Overlay To C-1 Neighborhood Commercial

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

Section 1. Chapter 120 of the Municipal Code,

Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1443-1477 East Main Street, from R-2/O-O Medium Density Residential/Office Overlay to C-1 Neighborhood Commercial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 42, 2nd Division and being more particularly bounded and described as follows: Beginning at the centerline intersection of Barnum Street (49.5' ROW) and East Main Street (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of East Main Street, a distance of 303.5 feet, more or less, to the northerly projection of the east line of Lot 8 of the Otis & Pool Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 119; thence
- 2) Southerly, along said projection and the easterly line of Lot 8, a distance of 171.0 feet, more or less, to the southeast corner of said Lot 8; thence
- 3) Westerly, along the south line of said Lot 8, a distance of 35.0 feet to the southwest corner thereof and the northeast corner of Lot 29 of said Otis & Pool Subdivision; thence
- 4) Southerly, along the east line of said Lot 29 and its southerly projection, a distance of 163.0 feet to the centerline of Breck Street; thence
- 5) Westerly, along said centerline of Breck Street, a distance of 71.3 feet, more or less, to the southerly projection of the west line of Lot 28 of the Otis & Pool Subdivision; thence
- 6) Northerly, along said projection and the west line of Lot 28, a distance of 163.0 feet to the northwest corner thereof and the southeast corner of Lot 5 of said Otis & Pool Subdivision; thence
- 7) Westerly, along the rear line of Lots 5 thru 1 of said Otis & Pool Subdivision and its westerly projection, a distance of 197.3 feet, more or less, to the said centerline of Barnum Street; thence
- 8) Northerly, along said centerline of Barnum Street, a distance of 171.0 feet, more or less, to the said centerline of East Main Street, said centerline intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
March 18, 2009

Adam C. McFadden
Carla M. Palumbo
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

To the Council:

Received, filed and published.

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

TO THE COUNCIL
Ladies and Gentlemen:

Int. No. 75 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Rochester Riverside Convention Center In The City

Ordinance No. 2009-67
Re: Rochester Riverside Convention Center Roof Replacement Project

Int. No. 76 - Authorizing An Extension Of The Agreement For Management Of The Port Terminal Building

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,600,000, and the appropriation of the proceeds thereof to finance the costs of the Rochester Riverside Convention Center Roof Replacement Project.

Int. No. 77 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The Broad Street Tunnel Project And Appropriating Funds

The Convention Center roof is original to the structure, built in 1985. The roof is a single-ply rubber roof that is past its useful life and requires replacement to prevent damage to the structure and interior finishes. The project includes a new roof system of approximately 85,000 square feet (including pedestrian bridges); curbing and patching of several HVAC roof housing units; gutter installations, and snow retention systems on portions of the metal roof deck to maintain a watertight system.

Int. No. 91 - Establishing Maximum Compensation For Professional Services Agreements For Mt. Hope Avenue And East Henrietta Road Improvements And Amending Ordinance No. 2005-83

Bids for construction of the project were received on February 24, 2009. The work will be performed by Leo J. Roth Construction at a cost of \$1,268,682. An additional \$261,318 (20%) will be allocated for project contingencies and other items not included in the contract.

Int. No. 93 - Authorizing An Agreement With The County Of Monroe For Shared Fleet And Equipment Services

It is anticipated that authorization required by City Council for Resident Project Representation services for the project will be submitted for your consideration in April 2009.

Int. No. 96 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Cost Of The Construction Of Improvements To The High Falls Parking Garage In The City

Construction is planned to begin in June 2009, with completion expected in September 2009.

Int. No. 97 - Approving Economic Recovery Projects, As Amended

Respectfully submitted,
Robert J. Duffy
Mayor

Int. No. 98 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of [~~\$600,000~~] 700,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The La Avenida Streetscape Improvements Project In The City, As Amended

Ordinance No. 2009-67
(Int. No. 75)

Int. No. 99 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Garage Improvement Project

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Rochester Riverside Convention Center In The City

Int. No. 8 - Amending Ordinance No. 2003-347, Relating To The Apprenticeship Program And Ordinance No. 2003-346, As Amended

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

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

Int. No. 78 - Amending The Official Map By Abandonment Of A Portion Of Falls Street

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of repairs to the Rochester Riverside Convention Center at 123 East Main Street in the City, including but not limited to replacement of the roof

Respectfully submitted,
John F. Lightfoot

(the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,600,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals

thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-68
Re: Amendatory Lease Agreement -
Rochester Riverside Convention
Center, Port Terminal Building

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with Rochester Riverside Convention Center (RRCC) to extend the term of their lease of space at the Port Terminal Building at 1000 North River Street. This amendment will extend the lease expiration date from November 1, 2011 to November 1, 2014.

The original agreement, approved in June 2008, authorized RRCC to manage special events in the departure hall and to operate the restaurant/bar on the second floor of the Port Terminal Building. The agreement was amended in December 2008 to extend the term so that it would be consistent with Liquor Authority license term requirements, and to facilitate special event bookings.

RRCC has recently applied for and received financing for improvements to the restaurant/bar, now known as Pier 45. One of the conditions of the loan is that the term of the lease with the City coincide with the maturity date of the five-year term loan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-68
(Int. No. 76)

Authorizing An Extension Of The Agreement For Management Of The Port Terminal Building

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

Section 1. The Mayor is hereby authorized to enter into an extension of the agreement with the Rochester Riverside Convention Center (RRCC) for management of special events in the Departure Hall and of the restaurant/bar and grill on the second floor of the Port Terminal Building at 1000 North River Street through November 1, 2014.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-69
Re: Amendatory Agreement -
FRA Engineering, P.C.,
Broad Street Tunnel Project
(Brown Street to Exchange Boulevard)

Transmitted herewith for your approval is legislation related to the Broad Street Tunnel Project (Brown Street to Exchange Boulevard). This legislation will:

1. Authorize an amendatory agreement with FRA Engineering, P.C. for additional engineering design services, to increase total compensation by \$200,000;
2. Appropriate \$193,600 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal share of additional design and administrative charges; and
3. Appropriate \$36,300 from anticipated reimbursements from the State of New York to finance the state share of additional design and administrative costs.

These funds, along with funds from the 2008-09

Budget will be applied to the agreement and for administrative costs as follows:

FRA	
FHWA	\$160,000
State	30,000
Cash Capital	<u>10,000</u>
Total	\$200,000
Administrative	
FHWA	\$33,600
State	6,300
DES Operating	<u>2,100</u>
Total	\$42,000
Total FHWA	\$193,600
Total State	\$36,300

The original agreement with FRA, authorized in August 1994, was for \$1,224,160 and included extensive engineering design work including site and environmental investigations; the amendment authorized in July 2008 for an additional \$215,000 included supplemental design services and wage rates due to increases since 1994. The amount requested herein will bring total maximum compensation for engineering design services for this project by FRA Engineers to \$1,639,160.

In May 2008, the Genesee Transportation Council, the Rochester area regional metropolitan planning organization, authorized an additional \$8,000,000 in federal aid for continued rehabilitative work within Section 2 of the tunnel, which will extend its overall service life from five years to fifteen years. The work includes additional structural repairs to subsurface concrete components, expansion joint systems, structural steel repairs, and restoration to the deck slab.

This amendatory agreement with FRA Engineering will provide additional engineering planning and final design services to complete these improvements.

The preliminary cost estimate for the project is \$22,812,500, which includes preliminary and final design, right-of-way easements, construction, and contingency. This amount will be financed as follows:

Phase	Total	Federal	State	Local
Design Phase	\$ 1,800,000	\$ 1,440,000	\$ 270,000	\$ 90,000
Construction Phase	<u>21,012,500</u>	<u>16,810,000</u>	<u>3,151,875</u>	<u>1,050,625</u>
Total	\$22,812,500	\$18,250,000	\$3,421,875	\$1,140,625

The local funding for the project will be provided through a combination of City debt, cash capital,

operating funds (\$1,099,150) and Monroe County (for traffic features only).

It is anticipated that the construction of the project will begin in Summer 2009 and be completed in 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-22

Ordinance No. 2009-69
(Int. No. 77)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The Broad Street Tunnel Project And Appropriating Funds

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

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering for engineering design services for the Broad Street Tunnel Project. Of said amount, \$160,000 shall be funded from the appropriation made in Section 2, \$30,000 shall be funded from the appropriation made in Section 3 and \$10,000 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$193,600, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$36,300, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-70
Re: Mt. Hope Avenue Phase I,
E. Henrietta Road, and
Mt. Hope Village District
Improvement Projects

Transmitted herewith for your approval is legislation related to three geographically related projects: Mt. Hope Avenue Phase I Improvement Project (Elmwood Avenue to Rossiter Road); E. Henrietta Road Improvement Project (Mt. Hope Avenue to South Avenue); and the Mt. Hope Vil-

lage District Improvements Project. This legislation will:

1. Authorize an amendatory agreement with Bergmann Associates, P.C. for final design engineering services for the Mt. Hope Avenue Phase I and East Henrietta Road Improvement Projects. The original agreement, authorized in April 2005, was for \$400,000; this amendment will increase maximum compensation by \$1,024,000 for a total of \$1,424,000;
2. Appropriate \$597,000 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the federal share of the Mt. Hope Avenue Phase I Improvement Project;
3. Appropriate \$340,000 from anticipated reimbursements from the State of New York to finance a portion of the state share of the Mt. Hope Avenue and East Henrietta Road Public Improvement Project;
4. Amend Ordinance No. 2005-83, to add the New York State Marchiselli Aid share, \$60,000, for the cost of design services and to decrease the City share accordingly; and
5. Establish \$80,000 as maximum compensation for an agreement with Bergmann Associates, P.C. for engineering design services for the Neighborhood Commercial Parking Lot District in the Mt. Hope Village District.

Mt. Hope Avenue Phase I and E. Henrietta Road Improvement Projects

The Mt. Hope Avenue and East Henrietta Road Public Improvement Projects are Federal-aid projects within the City. Agreements with the FHWA were authorized in December 2004. In April 2005, the original agreement with Bergmann was authorized for the scoping and preliminary engineering design services for the project. Bergmann completed the Design Report for the overall project in December 2008, and a Public Hearing was held on January 21, 2009. A transcript of that hearing is available for review in the Clerk's office.

The Design Report identifies two phases for the overall project to align with available funding from FHWA and New York State. Funding has been identified for the Mt. Hope Avenue Phase I Improvement Project (Elmwood Avenue to Rossiter Road), pending final design. The East Henrietta Road Project, not originally scheduled for Phase I, has been identified for Federal stimulus funding through the Federal American Recovery and Reinvestment Act by the Genesee Transportation Council (GTC), contingent on meeting Federal and State deadlines for obligation of funds.

Bergmann Associates, P.C. is being recommended for final design of the Mt. Hope Avenue Phase I and the East Henrietta Road Improvement Projects based on their qualifications and familiarity with the project.

The cost of the portion of the amendatory agreement related to the Mt. Hope Avenue Phase I project design services will be financed as follows:

<u>Source</u>	<u>Amount</u>
Prior Federal appropriation (Ord. 2004-399)	\$188,124
Current Federal appropriation	446,276
State of New York	118,950
2008-09 Cash Capital	<u>39,650</u>
Total	\$793,000

The cost of the portion of the amendatory agreement related to the East Henrietta Road project, \$231,000, will be financed from the 2008-09 Cash Capital allocation.

New York State Marchiselli Aid was not approved until after the original maximum compensation with the consultant was approved by Council (Ordinance 2005-83). That funding is now available and the Ordinance is being amended to reflect that availability.

Funding for construction of the Mt. Hope Avenue Phase I project is identified in the GTC's Transportation Improvement Program. Funding for the East Henrietta Road Project is contained in Federal Stimulus legislation before City Council. It is anticipated that the East Henrietta Road Project will begin in Fall 2009 with completion in Fall 2010. It is anticipated that the construction of Mt. Hope Avenue Phase I will begin in Spring 2010 with completion in Summer 2011.

Mt. Hope Village District Improvements

In October 2008, the Zoning Code was amended to adopt the C-V Collegetown Village District, which includes Mt. Hope Avenue between Elmwood Avenue and Rossiter Road. Part of that Code amendment encourages the development of shared or connected access with adjoining properties in the District. Shared access would place vehicular parking and access behind buildings as well as minimizing the number of access points on Mt. Hope Avenue.

Several properties within the C-V Collegetown Village District have tentatively agreed to participate in a shared commercial off-street parking lot. Future City Council action will be required to accept a donation of a portion of four properties to accommodate the proposed improvements. The City will progress with design services for the project to accommodate the proposed district as the project moves forward.

Bergmann Associates, P.C. is being recommended for design of the Neighborhood Commercial Parking Lot District in the Mt. Hope Village District because of its qualifications and familiarity with the project. The cost of the design services will be financed from 2008-09 Cash Capital (\$30,000) and

the 2008-09 Budget of the Department of Economic Development (\$50,000).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-70
(Int. No. 91)

Establishing Maximum Compensation For Professional Services Agreements For Mt. Hope Avenue And East Henrietta Road Improvements And Amending Ordinance No. 2005-83

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

Section 1. The sum of \$1,024,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for final design engineering services for the Mt. Hope Avenue Phase I and East Henrietta Road Improvement Projects. Of said amount, \$188,124 shall be funded from the anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2004-399, \$446,276 shall be funded from the appropriation made in Section 2, \$118,950 shall be funded from the appropriation made in Section 3 and \$270,650 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$597,000, or so much thereof as may be necessary, to fund the Mt. Hope Avenue Phase I Improvement Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$340,000, or so much thereof as may be necessary, to fund the Mt. Hope Avenue and East Henrietta Road Public Improvement Project.

Section 4. 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, P.C. for engineering design services for the Neighborhood Commercial Parking Lot District in the Mt. Hope Village District. 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 2008-09 Cash Capital allocation and \$50,000 shall be funded from the 2008-09 Budget of the Economic Development Department.

Section 5. Ordinance No. 2005-83, relating to an agreement for the Mt. Hope Avenue and East Henrietta Road Public Improvement Project, is hereby amended by reducing the amount funded from the 2001-02 Cash Capital allocation by the sum of \$60,000, which amount shall now be funded from the appropriation made in Section 3.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-71
Re: Agreement - Monroe County,
Fleet/Equipment Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the provision of shared fleet maintenance services, equipment, and the purchase of alternative fuels.

This agreement will allow the City to utilize the surplus equipment and operator capacity of the County or other municipalities within the County, and to make similar City surplus capacity available to these same entities at mutually agreed upon rates. The County participates in current shared equipment agreements with various municipalities as a revenue-generating opportunity.

The agreement will also allow the City to purchase alternative fuels at County facilities, expanding City access to green fuels, currently available only at the Mt. Read complex. The agreement also provides for the ability to utilize County Fleet Maintenance services; however, the City anticipates very limited or no use of this aspect of the agreement, since the County does not have the resource capacity to service the bulk of the City's fleet.

The term of the proposed agreement is 25 years, with written confirmation of continued participation to be provided by the City and County Departments of Environmental Services on an annual basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-71
(Int. No. 93)

Authorizing An Agreement With The County Of Monroe For Shared Fleet And Equipment 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 the provision of shared fleet maintenance services and equipment and the purchase of alternative fuels. The agreement shall extend for a term of 25 years, with either party having the option to terminate on an annual basis. The agreement shall allow the City to utilize surplus equipment and operator capacity of the County or other municipalities within the County and to make similar City surplus capacity available to these

entities at mutually agreed upon rates. The agreement shall also allow the City to purchase alternative fuels at County facilities and utilize County fleet maintenance services at mutually agreed upon rates. The cost of this agreement shall be funded from the annual budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-72
Re: High Falls Garage Concrete
Repair Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$380,000, and appropriation of the proceeds thereof to finance the construction costs for the High Falls Garage Concrete Repair Project.

The project will incorporate concrete repairs on all garage decks and some railing supports; detailed cleaning and application of new paint on structural steel, metal railings and hand rails; installation of aluminum treads and nosings; and elevator sill repairs and elevator emergency phone installation. It is anticipated that this work will provide for an improved visual aesthetic while also preventing metal/concrete corrosion and extending the garage's serviceable life.

Design of the improvements was completed by CMA Architecture, P.C. and City staff. Bids for construction of the project were received on February 25, 2009. The work will be performed by Charles T. Driscoll Masonry Restoration Company, Inc. at a cost of \$359,842, plus \$20,158 (5%) allocated for contingencies, financed from the proposed bond issue. An additional 5% contingency (\$20,000) will be financed by the 2007-08 Municipal Parking Cash Capital allocation.

It is anticipated that construction will commence June 2009, with anticipated completion in September 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-72
(Int. No. 96)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Cost Of The Construction Of Improvements To The High Falls Parking Garage In The City

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of the construction of improvements to the High Falls Parking Garage in the City, including but not limited to concrete repairs on decks and railing supports, cleaning and painting of structural steel, metal railings and hand rails, installation of aluminum treads and nosing, and elevator improvements (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000. The plan of financing includes the issuance of \$380,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$20,000 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 \$380,000 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 \$380,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

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

mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-73 and
Ordinance No. 2009-74
Re: American Recovery and Reinvestment
Act - Transportation Programs

Transmitted herewith for your approval is legislation related to the American Recovery and Reinvestment Act, signed into law by President Obama on February 17, 2009. This \$787.2 billion measure is the largest single infusion of spending into the economy in American history. In an effort to

stimulate economic growth and create jobs, the measure contains funding for more than 75 federal programs, many of which will benefit local governments.

The City is working with our Congressional delegation and with Governor Paterson's office to ensure that the direct aid to states is deployed to capital improvement programs in the Rochester area that provide the most economic benefit to the region. The stimulus package has the potential to positively impact all aspects of City operations and services, through several resource opportunities:

- Increases in current Federal formula programs such as the HUD Community Development Block Grant (CDBG);
- New Federal formula programs such as the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG);
- Increases in existing competitive funding awards through various Federal Departments, such as the Department of Justice's Community Oriented Policing Services (COPS) program; and
- New competitive funding awards such as the Department of Homeland Security/Federal Emergency Management Agency's Assistance to Firefighters-Fire Station Construction program.

City departments are collaborating to maximize Rochester's ability to receive funds that create or retain jobs, improve our infrastructure, and support our community.

The first legislative component for your immediate review is necessitated by the stringent guidelines by which the Federal funds must be deployed. The Federal Stimulus package has allocated \$27.5 billion nationally for transportation funding; these funds will be distributed to the states, and subsequently dispersed by regional Metropolitan Planning Organizations (locally, the Genesee Transportation Council) for the use of local governments.

Federal highway and bridge funds will be dispersed to states by March 10, 2009. The New York State Department of Transportation must obligate 50% of these funds within 120 days; the remainder must be obligated within one year.

Projects were selected for funding through a competitive process based on their ability to begin construction this season as well as their cost effectiveness and regional significance. Qualified projects are classified as either Tier I - to be funded immediately; or Tier II - may be funded if/when funds become available (either from funds unused by other local governments, or from additional Federal disbursements).

The legislative actions currently required will:

1. Authorize the City's participation in the Federal program and any Federal and State

agreements necessary to implement the program;

2. Appropriate a total of \$12,293,685 in anticipated Federal reimbursements to finance construction of Tier I and Tier II projects approved for funding under the Act;
3. Authorize the issuance of bonds totaling \$600,000 and appropriate the proceeds thereof to partially finance the cost of the streetscape improvements as part of the La Avenida Streetscape Improvements Project; and
4. Authorize amendatory agreements for design services for projects financed under the Act with:
 - a. FRA Engineering, for an additional \$50,000 for engineering design services for the South Clinton Avenue/Mt. Hope Avenue Enhancement Project, originally authorized by Ordinance 2007-389 for \$118,000;
 - b. Bergmann Associates PC, for an additional \$100,000 for engineering design services for the La Avenida Streetscape Improvement Project, originally authorized by Ordinance 2005-346 for \$90,000; and
 - c. LaBella Associates, P.C. (Bridge and Structural Services Agreement) for an additional \$150,000 for engineering design services for the 2009 Annual Bridge Maintenance Program, originally authorized by Ordinance 2007-113 for \$86,300.

These additional costs will be financed from the 2007-08 (\$285,000) and 2008-09 (\$15,000) DES Cash Capital allocations.

The following projects were submitted to the Genesee Transportation Council and qualified for aid:

Tier I Allocations

2009 Milling and Resturfacing/Micropaving	
Design - City	\$ 0
Construction - Federal	2,641,000
Construction - State	0
Construction - City	<u>0</u>
Total	\$2,641,000
Design	In-house
2009 Hazardous Sidewalk Replacement	
Design - City	\$ 0
Construction - Federal	300,000
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 300,000
Design	In-house

S. Clinton/Mt. Hope Enhancements	
Design - City	\$ 50,000
Construction - Federal	1,250,000
Construction - State	300,000
Construction - City	<u>20,000</u>
Total	\$ 1,620,000
Design	FRA

La Avenida Streetscape Improvements	
Design - City	\$ 100,000
Construction - Federal	1,100,000
Construction - State	0
Construction - City	<u>600,000</u>
Total	\$ 1,800,000
Design	Bergmann

East Henrietta Road Reconstruction	
Design - City	\$ 0
Construction - Federal	1,820,000
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 1,820,000
Design	Bergmann

2009 Bridge Maintenance Program	
Design - City	\$ 150,000
Construction - Federal	2,001,242
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 2,151,242
Design	LaBella

Sub-total, Tier 1	
Design - City	\$ 300,000
Construction - Federal	9,112,242
Construction - State	300,000
Construction - City	<u>620,000</u>
Total	\$10,332,242

Tier 2 Allocations

2009 Milling and Resurfacing/Micropaving	
Design - City	\$ 0
Construction - Federal	1,101,000
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 1,101,000
Design	In-house

2009 Bridge Maintenance Program	
Design - City	\$ 0
Construction - Federal	80,443
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 80,443
Design	In-house

Genesee River Trail Rehabilitation	
Design - City	\$ 0
Construction - Federal	2,000,000
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 2,000,000
Design	In-house

Sub-total, Tier 2	
Design - City	\$ 0
Construction - Federal	3,181,443
Construction - State	0
Construction - City	<u>0</u>
Total	\$ 3,181,443

Total	
Design - City	\$ 300,000
Construction - Federal	12,293,685
Construction - State	300,000
Construction - City	<u>620,000</u>
Total	\$13,513,685

The federal funding for these projects will generate an estimated 77 construction jobs locally, along with over 305 induced secondary jobs. No local match for the Federal Aid for construction costs is required.

The Federal funding is contingent on the City and regional municipalities' ability to meet aggressive construction timelines. The Federal funds are allocated in two tiers. \$9,112,242 of the above funds is allocated for Tier 1 projects. These funds are available if the City meets the aggressive project readiness timelines. The allocation for the Tier 1 East Henrietta Road project, originally scheduled for \$2,000,000, has been reduced by \$180,000 because design and right-of-way costs have recently been determined to be ineligible for funding under the Federal Stimulus program.

\$3,181,443 is allocated to Tier 2 projects; it will be available only if other communities default on timeline requirements, or if additional funds are allocated to the region. This includes \$1,181,443 funding for the 2009 Milling & Resurfacing/Micropave and Bridge Maintenance projects, and the full \$2,000,000 funding for the Genesee Riverway Trail project.

All but two of the above projects will be wholly financed through the Federal funds. The South Clinton/Mount Hope Project construction cost, including Federal funds, is estimated at \$1,570,000; \$300,000 will be financed from New York State Multi-Modal Program funds appropriated by Ordinance 2007-389, and \$20,000 will be financed from 2007-08 Cash Capital. And, the La Avenida Streetscape Project construction cost, including Federal funds, is estimated at \$1,700,000; the City share of \$600,000, will be financed from the bond proceeds.

Following final project funding approvals and announcements of second-round transportation stimulus projects, the administration may submit legislation to City Council that would reconcile approved project funding with the allocations outlined above. The City will continue to submit legislation related to competitive and formula funding generated by the American Recovery and Reinvestment Act in the coming months.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-23

Ordinance No. 2009-73
(Int. No. 97, As Amended)

Approving Economic Recovery Projects

WHEREAS, the following Economic Recovery Project(s):

2009 Milling & Resurfacing/Micropave Program including
Thurston Road (Brooks Ave. to Chili Ave.) Preventive Maintenance (4LS015),
East Avenue (Broadway to Alexander St.) Preventive Maintenance (4LS018),
Park Avenue (Berkeley St. to East Ave.) Preventive Maintenance (4LS019),
University Avenue (Culver Rd. to Blossom Rd.) Preventive Maintenance (4LS020),
East Avenue (Goodman St. to Culver Rd.) Preventive Maintenance (4LS021),
Byron Street (South Ave. to S. Clinton Ave.) Rehabilitation (4LS022),
Dewey Avenue (Lyell Ave. to Felix St.) Rehabilitation (4LS023),
East Avenue (Alexander St. to Goodman St.) Rehabilitation (4LS024),
Mount Hope Avenue (Elmwood Ave. to South Ave.) Rehabilitation (4LS025),
Atlantic Avenue (University Ave. to CSX RR) Rehabilitation, and
Highland Avenue (Mt. Hope Ave. to Monroe Ave.) Rehabilitation;

2009 Hazardous Sidewalk Replacement Program (Federal Aid Routes) (4LS026);

South Clinton/Mount Hope Avenue Enhancements (4LS028);

La Avenida Streetscape (N. Clinton Ave. between Upper Falls Blvd. & Avenue D) Improvements (4LS027);

East Henrietta Road (Mount Hope Avenue to South Avenue) Reconstruction (4LS016);

2009 Bridge Maintenance Program including
Driving Park Bridge Preventive Maintenance (2009) [BIN 2211310] (4LS008),
East Main Street Bridge over CSX RR Preventive Maintenance (2009) [BIN 2211350] (4LS009),
Main Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 2211270] (4LS010), Court Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 2211250] (4LS011),
Elmwood Avenue Bridge over Genesee River Preventive Maintenance (2009) [BIN 4025890] (4LS012),
Lake Avenue Bridge over CSX RR (at Boxart) Preventive Maintenance (2009) [BIN 2211370] (4LS013),
Andrews Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 2211280] (4LS014),
Ford Street Bridge over Genesee River Preven-

tive Maintenance (2009) [BIN 4443800] (4LS017), and
Lake Avenue Bridge over CSX RR (at Holden) Preventive Maintenance (2009) [BIN 2211360]; and,

Genesee Riverway Multi-Use Trail (Ford Street to the Erie Canal) Rehabilitation,

(hereinafter "the Projects") in the City of Rochester, in Monroe County, (hereinafter "the City") are eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of Federal funds and non-federal funds.

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

Section 1. The City Council hereby approves the above Projects.

Section 2. The City agrees to advance the Projects through the City's resources and the City Council hereby authorizes the City to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof pursuant to this ordinance, the funds necessary to complete the Project(s) including all phase(s) or portions thereof.

Section 3. The City Council makes a 100% commitment of the non-federal share (if any) of the costs of phase(s) of work for the Project(s) or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter "NYS-DOT") pursuant to the State/Local Agreement.

Section 4. Upon completion of construction of the Projects, or a fully usable portion thereof, the City agrees to maintain the Project(s), or fully usable portion thereof, at its sole cost and expense.

Section 5. In the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately.

Section 6. The Mayor is hereby authorized to execute all necessary Agreements or certifications on behalf of the City, (subject to the Corporation Counsel's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the City's first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

Section 7. A certified copy of this ordinance shall be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s).

Section 8. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering, P.C. for engineering design services for the South Clinton Avenue Enhancement Project (South Goodman Street to Byron Street) and the Mt. Hope Avenue Enhancement Project (Gregory Street to Byron Street).

Section 9. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for engineering design services for the La Avenida Streetscape Improvement Project.

Section 10. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for engineering design services for the 2009 Annual Bridge Maintenance Program.

Section 11. Of said amounts, or so much thereof as may be necessary, \$[15,000] 200,000 shall be funded from the 2008-09 Cash Capital allocation and [\$285,000 shall be funded from the 2007-08 Cash Capital Allocation] \$100,000 shall be funded from a bond ordinance adopted for the La Avenida Streetscape Improvement Project.

Section 12. There is hereby appropriated from anticipated reimbursements from the Federal Government the sum of \$12,293,685, or so much as may be received and necessary, to fund the construction of projects under the American Recovery and Reinvestment Act.

Section 13. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-74
(Int. No. 98, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[600,000] 700,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The La Avenida Streetscape Improvements Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of sidewalk enhancements, tree lawn, gateway, decorative street lighting and other streetscape enhancements relating to the La Avenida

Streetscape Improvements Project along North Clinton Avenue in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$[1,700,000] 1,800,000. The plan of financing includes the issuance of \$[600,000] 700,000 principal amount of bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,100,000 appropriated from anticipated reimbursements from the Federal Government, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$[600,000] 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 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. 24 of the Law, is ten (10) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and

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

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

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

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

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-75
Re: Agreement - Stantec Consulting Services Inc., South Avenue Garage Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc. for additional construction phase design and resident project representation (RPR) services required for the South Avenue Garage Improvement Project. This amendment will increase maximum compensation by \$500,000, and extend the term of the agreement through November 2009. The additional cost will be financed from bonds previously authorized for the project (Ordinance No. 2006-210).

The original agreement with Stantec for RPR services was authorized by City Council in August 2005 for \$690,000 and was amended in July 2007 (Ord. 2007-282) for an additional \$780,000. Approval of this second amendatory agreement will establish total maximum compensation to Stantec for this project to \$1,970,000.

The South Avenue Garage Improvement Project, with construction costs of \$4,944,301, began in October 2005 and was originally scheduled for completion in October 2007. Following the April 2006 collapse of the garage's helix ramp, WJE Engineers & Architects was retained to determine the cause of the collapse and to identify which deficiencies needed to be addressed immediately, and which could be deferred. While the collapse was unrelated to the garage construction, the required emergency work delayed project construction work for six months.

The resulting comprehensive reevaluation of the original project scope led to significant increases in the amount of contract work to be done within the garage. Additional evaluations were conducted by FRA Engineering, PC during this time. The added work increased estimated construction costs to \$19,500,000, and delayed project completion to an estimated date of November 2009.

A summary of Council actions related to this project is attached, which includes the July 2007 amendatory agreement with Stantec to provide construction phase design and RPR services based on an estimated construction completion of November 2008. This service did not include FRA Engineering's agreement for RPR services during construction of their portion of project design. In order to maintain RPR service continuity with the project, it is recommended that Stantec provide continuous RPR services - including FRA Engineering-designed construction work. The unused RPR service from the FRA Engineering agreement will be applied to project construction costs.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-24

Ordinance No. 2009-75
(Int. No. 99)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Garage Improvement Project

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

Section 1. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for construction phase design and resident project representation services for the South Avenue Garage Im-

provement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from Bond Ordinance No. 2006-210.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 8 was introduced January 20, 2009, and appears in its original form with its transmittal letter on page 25 of the current Council Proceedings.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-76
Re: Amendments - Apprenticeship

Transmitted herewith for your approval are amendments to Int. 8 in regard to both the Apprenticeship program and also the City's Incentive program. The amendments have been developed in response to public input that was received at a hearing held by the Parks and Public Works Committee on February 11 and additional comments presented to City Council on February 17.

The amendments will make the following changes:

- Regarding the Apprenticeship program, we recommend that the Administration develop a program to assist contractors with the required applications to New York State for certification of their training programs. The Committee heard testimony from contractors who were frustrated by their attempts to understand the requirements of the Department of Labor and the required materials for program certification. City staff should be able to assist such businesses in negotiating the State bureaucracy in such cases.
- Regarding the Incentive program, which was developed as a companion to the Apprenticeship program in 2003, the program currently requires that a minimum of 25% of the workforce on an eligible project be composed of workers from eligible City zip codes in order for any incentive payments to be made. Discussions among various contractors and Administration officials have determined that this threshold is unrealistically high and is the principal reason for the lack of use of this program. In an effort to encourage more usage of the program, and therefore more jobs for disadvantaged City residents, the proposed amendment will reduce that minimum participation to 17%.

We believe that these amendments strike an appropriate balance between incentives and regulations and that together they will offer an improved likelihood that City residents will be better trained and better able to compete for employment opportunities on City public works projects.

Respectfully submitted,
John F. Lightfoot, Chair
Parks & Public Works Committee

Ordinance No. 2009-76
(Int. No. 8, As Amended)

Amending Ordinance No. 2003-347, Relating To The Apprenticeship Program And Ordinance No. 2003-346

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

Section 1. Ordinance No. 2003-347, relating to the Apprenticeship Program, is hereby amended by amending Sections 2, 3, and 4 thereof to read in their entirety as follows:

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, or any subcontract thereto in excess of \$100,000, for construction, reconstruction or improvement of any building, facility or physical structure of any kind.

Section 3. The term "contractor" shall mean a contractor or a subcontractor which directly employs labor under a construction contract.

Section 4. The City of Rochester hereby requires any contractor, prior to entering into a construction contract with the City of Rochester or with another contractor, 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. The City shall provide assistance to contractors to its greatest extent possible in obtaining State approval of apprenticeship programs.

Section 2. Ordinance No. 2003-346, relating to the Incentive Program, is hereby amended by amending Section 6 by changing the percentage of the total gross payroll for the project paid to disadvantaged City residents which is necessary to qualify for the incentive from more than 25% to more than 17%.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-77
Re: Official Map Amendment - Falls Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of a portion of Falls Street extending

between 100 Falls Street and 100 Mill Street, approximately 0.01 acres. The abandonment has been referred to the necessary agencies for comment.

Rochester Gas & Electric Corporation will construct a new electric substation on a parcel of land at 100 Falls Street and 100 Mill Street. The new substation will replace the existing 14-acre BeeBee Station currently located along Mill Street and Falls Street adjacent to the Genesee River. The abandoned parcel will facilitate the new substation development. There are no utilities on the site. There is no record with the City of any fee title to this portion of land; the right-of-way will revert ownership to RG&E upon abandonment.

The City Planning Commission, in its September 10, 2008 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-25

Ordinance No. 2009-77
(Int. No. 78)

Amending The Official Map By Abandonment Of A Portion Of Falls Street

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

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

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York being part of Town Lot Number 48, Township 1 of the 20,000 Acre Tract, and being further described as follows:

Commencing at an angle point in the northeasterly right of way of Falls Street, the same being at an angle point in the southwesterly property line of Rochester Gas & Electric Corporation;

Thence 1. Continuing in a southeasterly direction along the existing northeasterly right of way of Falls Street, the same being along the existing property line of Rochester Gas and Electric Corporation, on a bearing of

S-45°-45'-30"-E, a distance of 40.50 feet to an angle point in the northeasterly right of way of Falls Street, being also an angle point in the property line of Rochester Gas and Electric Corporation,

Thence 2. Continuing in a southwesterly direction along the existing northeasterly right of way of Falls Street, the same being the existing property line of Rochester Gas and Electric Corporation, on a bearing of S-42°-40'-25"-W, a distance of 16.50 feet to an angle point in the northeasterly right of way of Falls Street, being also an angle point in the property line of Rochester Gas and Electric Corporation,

Thence 3. Continuing in a northwesterly direction into the existing right of way of Falls Street, on a bearing of N-54°-12'-20"-W, a distance of 9.55 feet to a point,

Thence 4. Continuing in a northwesterly direction through the existing right of way of Falls Street, on a bearing of N-16°-10'-15"-W, a distance of 36.24 feet to a point, said point being the point and place of beginning for the premises herein described, and containing 0.010± Acres.

All as shown on a map prepared by Stephen M. Bly, P.L.S., dated July 16, 2008.

Subject to all covenants, easements and restrictions of record, if any, affecting said premises.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
March 18, 2009

To the Council:

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

Int. No. 79 - Resolution Approving Appointment And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 80 - Establishing Maximum Compensation For A Professional Services Agreement For A New High Falls Laser Show

Int. No. 81 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

Int. No. 90 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Remediation Of The Former Phototech Imaging Site At 1000 Driving Park Avenue

Int. No. 23 - Approving The Sale Of Former Railroad Right Of Way East Of 476 State Street

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

Int. No. 82 - Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-6
Re: Appointments - Downtown Enhancement District Advisory Committee

Transmitted herewith for your approval is legislation related to the Downtown Enhancement District Advisory Committee. This legislation will:

- 1. Confirm the reappointment of the following five members:

<u>Name</u>	<u>Affiliation</u>
Chris Hill 28 East Main Street, 14614	I. Gordon Corporation
Lawrence Davies One Chase Square, 14604	JP Morgan Chase Bank
James Costanza Temple Building 14 Franklin Street, Ste 1122, 14604	Costanza Enterprises
Eileen Broderick 183 East Main Street, 14604	Conifer Realty
Wes Plant 50 Broad Street East, 14604	Thompson Legal Regulatory

The new terms for these members will extend to December 31, 2010.

- 2. Confirm the appointment of Richard Calabrese, Times Square Building, 45 Exchange Blvd, 14614. Mr. Calabrese will replace Christine Pullano, who has resigned. His term will expire on December 31, 2010. A copy of his resume is on file with the City Clerk.

The committee was established by local improvement assessment legislation approved by City Council in May 1989. The responsibilities of the committee are to monitor the performance of district services; review the annual budget for the district prepared by the Mayor; and make a recommendation to the City Council with respect to that budget.

The committee consists of eleven individuals representing property owners and tenants within the district. Membership is intended to equitably represent large and small properties, owners and tenants, and Zone 1 (located on Main Street) and Zone 2 (direct access to Main Street via covered walkways) properties.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-6
(Int. No. 79)

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

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

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

<u>Name</u>	<u>Affiliation</u>
<u>Expiration</u>	
Richard Calabrese 12/31/10	Times Square Building

Mr. Calabrese shall replace Christine Pullano.

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

<u>Name</u>	<u>Affiliation</u>
<u>Expiration</u>	
Chris Hill 12/31/10	I. Gordon Corporation
Lawrence Davies 12/31/10	JP Morgan Chase Bank
James Costanza 12/31/10	Costanza Enterprises
Eileen Broderick 12/31/10	Conifer Realty
Wes Plant 12/31/10	Thompson Legal Regulatory

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2009-78
Re: Agreement - Greg J. Winter, d/b/a Wintek, Laser Show Production

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Greg J. Winter, d/b/a Wintek, Rochester, for the production of a new

laser, light and sound show at High Falls. The cost of this agreement will be financed from the 2006-07 (\$7,100), 2007-08 (\$45,000), and 2008-09 (\$7,900) High Falls Cash Capital allocations.

Wintek will produce a completely new twenty-minute laser show. The current "River of Light" show has been used since 1996 with occasional module updates. These modules were rented from the laser show producers, then Stone Mountain Productions, currently Carolina-Carolina Contract Services. The content of the new show will feature the rich 175-year history of the City of Rochester and highlight local historical figures such as Susan B. Anthony and Frederick Douglass.

The new show will be a mix of abstract imagery with animation in a module format so that future updates can be made easily. The City will own the modules, which will significantly reduce the annual cost of presenting the popular laser shows.

Since 1994, Greg J. Winter has been the Director of Rochester Operations for Stone Mountain Productions (no longer in business), headquartered in Stone Mountain, GA. He currently specializes in high-power laser systems and designs, creates custom laser programming and automated lighting, and produces show sound tracks on a digital audio workstation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-78
(Int. No. 80)

Establishing Maximum Compensation For A Professional Services Agreement For A New High Falls Laser Show

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 Greg J. Winter, d/b/a Wintek, for production of a new laser, light and sound show for High Falls. Of said amount, \$7,100 shall be funded from the 2006-07 Cash Capital allocation, \$45,000 shall be funded from the 2007-08 Cash Capital allocation, and \$7,900 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-79
Re: Agreement - Picture Fest,
International

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Picture Fest, International, Inc., d/b/a Rochester High Falls International Film Festival, for a six-day film festival. The festival will be held May 13-18, 2009, and will showcase and celebrate the exceptional work of women in all areas of film and video throughout the world. The cost of this agreement will be financed from the 2008-09 Budget of the Bureau of Communications.

The festival will include over eighty films including full-length, shorts, and documentaries. Last year, over 7,000 film enthusiasts attended the festival from throughout the country. In addition to showcasing established independent filmmakers' works, a critical aspect of the festival is to encourage emerging works. Other specialty areas are Children's Programming, Foreign Language Films and Digital Technology. Catherine Wyler, daughter of director William Wyler, is the Artistic Director. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-79
(Int. No. 81)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Picture Fest, International, d/b/a Rochester High Falls International Film Festival for the 2009 Rochester High Falls International Film Festival, showcasing and celebrating the exceptional work of women in film and video. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-80
Re: Agreement - LaBella Associates,
P.C., Environmental Cleanup of
1000 Driving Park Avenue

Transmitted herewith for your approval is legislation related to the environmental cleanup of the former Phototech Imaging brownfield site located at

1000 Driving Park Avenue. This legislation will:

1. Establish maximum compensation of \$5,110,641 for an agreement with LaBella Associates, P.C., for completion of environmental remediation services at the Site; and
2. Appropriate 1996 New York State Clean Water/Clean Air Bond Act Title V grant funds in the amount of \$3,396,567 to finance a portion of the costs thereof.

The balance of the cost of the agreement, \$1,714,074, will be financed from Bond Ordinance No. 2006-151 adopted by City Council on June 24, 2006.

The former Photech Site consists of one parcel, totaling approximately 12.5 acres. The property includes 17 buildings that total more than 100,000 square feet, most of which are in a dilapidated condition. The site was developed around 1948-1950 for the manufacture of photographic film, and was used as such until 1991, when the site was abandoned.

The property was acquired by the City through tax foreclosure in 1997, at which time the City engaged an environmental consultant for site investigation and a remedial alternatives (SI/RA) evaluation. The associated costs were reimbursed by the New York State Department of Environmental Conservation (NYSDEC). The final SI/RA report recommended demolition of all structures and a subsurface cleanup plan, which was accepted by the NYSDEC, which subsequently stipulated the following remedial measures:

- Asbestos abatement, building decontamination and waste disposal;
- Building and utility demolition, on-site crushing of non-contaminated masonry demolition materials;
- Post-demolition design-phase subsurface investigation;
- Removal and off-site disposal of approximately 14,000 tons of contaminated soil;
- Removal and disposal of hazardous and non-hazardous regulated solid waste associated with the former silver recovery waste water system; and
- Preparation of long-term monitoring, site management plan, institutional and engineering control plans.

The proposed agreement will fund these remedial activities and includes a contingency of \$1,183,973 for unanticipated cleanup requirements. The City received a \$3,396,567 cleanup grant through the NYSDEC's 1996 Bond Act Title 5 Environmental Restoration Program (ERP), which will reimburse the City for 50% of asbestos abatement and building demolition, and 90% for all other environmental remedial design and cleanup costs. In

addition to reimbursement of eligible project costs, the ERP will provide environmental indemnification from the State of New York to the City and all future land owners at the site.

In September 2008, a Request for Proposal for cleanup of the Photech Site was issued to nine pre-qualified environmental consulting firms. Four firms responded: Conestoga-Rovers & Associates, O'Brien & Gere, LaBella Associates, and Lu Engineers. Proposals were reviewed by a team consisting of the Division of Environmental Quality and Department of Community Development staff. LaBella is recommended for this project based on the quality and scope of its proposal, the firm's experience and expertise with completing similar brownfield cleanup projects, the proposed project team, and reasonableness of its proposed fee.

The remedial design and initial interim remedial measures are expected to be initiated in Summer 2009. The clean-up phase is expected to be completed in two years. This agreement will have an initial term of two years with a provision for a one-year renewal.

The Departments of Economic Development and Environmental Services are coordinating reuse plans for the site. A redevelopment site plan is under preparation which will subdivide the site into a new industrial park containing three parcels that will be serviced via a new dedicated City Street.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-26

Ordinance No. 2009-80
(Int. No. 90)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Remediation Of The Former Photech Imaging Site At 1000 Driving Park Avenue

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

Section 1. The sum of \$5,110,641, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for environmental remediation of the former Photech Imaging Brownfield Site at 1000 Driving Park Avenue. The agreement shall extend for a term of two years, with an option to renew for an additional year. Unit prices may be adjusted during the renewal term with the approval of the City's designated agent. Of said amount, \$3,396,567 is hereby appropriated from 1996 Clean Water/Clean Air Bond Act Grant Funds and \$1,714,074 shall be funded from Bond Ordinance No. 2006-151.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 23 was introduced January 20, 2009 and appears in its original form with its transmittal letter on page 27 of the current Council Proceedings.

Attachment No. AI-27

Ordinance No. 2009-81
(Int. No. 23)

Approving The Sale Of Former Railroad Right Of Way East Of 476 State Street

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1597
Re: Local Improvement Ordinance -
Downtown Enhancement District

Transmitted herewith for your approval is legislation authorizing the continuation of the Downtown Enhancement District.

The District was originally authorized by City Council on May 16, 1989, with reauthorizations on May 10, 1994, May 14, 1999, and April 23, 2004. The District is designed to provide an enhanced level of care and maintenance in the downtown area.

In general, the District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west, as well as all other properties within 1,600 feet of Main Street that are included in the enclosed walkway system.

The District is administered by the Department of Environmental Services (DES), with oversight from an advisory committee of eleven representatives of property owners and tenants.

The annual costs of the special services provided within the District are restricted by formula - an amount equal to the base year (1989-1990) cost of \$400,000 adjusted by the cumulative increase in the consumer price index - unless otherwise approved by the advisory committee.

The costs are apportioned among the properties within the District and are calculated using two factors and two zones. The two factors - assessed valuation of the property and gross area - each account for 50% of the apportionment. Properties in Zone 1, directly on Main Street, have their assessments weighted at twice the factors of the properties in Zone 2 - those with direct access to Main Street via the enclosed walkway system. Charges for all parking lots and garages, regardless of location, are calculated as Zone 2 properties.

Under the proposed legislation, the term of the District will be extended for an additional five-year

period, commencing on July 1, 2009.

A public hearing on the district renewal is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1597
(Int. No. 82)

Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District

WHEREAS, by Local Improvement Ordinance No. 1291, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Main Street improvements in the area known as the Main Street Enhancement District; and

WHEREAS, said Local Improvement Ordinance was extended for five years by Local Improvement Ordinances No. 1355, 1444 and 1531, and the Council desires to continue said Local Improvement Ordinance for an additional period of five years.

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

Section 1. Local Improvement Ordinance No. 1291, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Main Street improvements in the area known as the Main Street Enhancement District, as extended by Local Improvement Ordinances No. 1355, 1444 and 1531, is hereby re-enacted for an additional period of five years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
March 18, 2009

To the Council:

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

Int. No. 83 - Authorizing A License Agreement For The Use Of Genesee Valley Park Premises

Int. No. 84 - Authorizing Extension Of The Agreement With The University Of Rochester For Use Of The Genesee Valley Ice Rink

Int. No. 85 - Amending The 2008-09 Budget For An Elite Basketball League

Int. No. 86 - Authorizing An Application And Agreement For The STOP Violence Against

Women Program

Int. No. 87 - Authorizing Agreements And Amending Ordinances No. 2008-34 And 2008-73 For The Junior Recreation Leader And Biz Kid\$ Programs

Int. No. 88 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Teen Court

Int. No. 89 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 94 - Amending The 2008-09 Budget To Continue Expanded Hours At Recreation Sites

Int. No. 24 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

The following entitled legislation is being held in Committee:

Int. No. 92 - Establishing Maximum Compensation For A Professional Services Agreement For Notification Services

Respectfully submitted, Adam C. McFadden, Dana K. Miller, Elaine M. Spaul, William F. Pritchard, PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2009-82 Re: Agreement - Genesee Waterways Center

Transmitted herewith for your approval is legislation authorizing a license agreement with Genesee Waterways Center Inc. (GWC), a not-for-profit organization, for continued use of a City-owned structure and adjoining parcel of land in Genesee Valley Park as a water sports facility.

GWC's mission is to facilitate public opportunities for recreational and competitive rowing and paddling. In 1989, the City entered into a ten-year agreement with the GWC for them to develop, promote and operate a water sports facility in this location, including a canoe and kayak livery.

GWC has invested over \$80,000 in improvements to the facility over the course of the agreement in addition to its operation of the facility.

The current agreement expires in April 2009. The term of the new license agreement will be for five years with an option to extend for an additional five years. The Genesee Waterways Center, Inc.

will pay an annual fee of \$1.00 for the license and will continue to be responsible for all utilities, maintenance and necessary repairs of the property, including docks, ramps, fencing, buildings and structures on the site.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2009-82 (Int. No. 83)

Authorizing A License Agreement For The Use Of Genesee Valley Park Premises

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with Genesee Waterways Center, Inc. for the use of premises in Genesee Valley Park known as the Genesee Valley West Parks Maintenance Building, the adjacent two-bay boat house, and the adjoining area, for the development, promotion and provision of water sports activities. The agreement shall extend for an initial term of five years, with provision for a five-year renewal term. Genesee Waterways Center, Inc. shall be obligated to pay an annual fee of \$1.00 for said license, and shall assume responsibility for all utilities, maintenance and necessary repairs of the property, including the docks, ramps and fencing around the launch and storage area.

Section 2. The license 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. 2009-83 Re: Amendatory Agreement - Genesee Valley Ice Rink, University of Rochester

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the University of Rochester for their continued use of the Genesee Valley Ice Rink.

The original agreement, authorized in 1987, included a complicated calculation of shared operating and capital costs in exchange for the University's use for their scholastic hockey programs and recreational skating for members of the University community. That agreement expired in June 2007.

An interim agreement provided terms of use for the period September 2007 through August 2008, while negotiations for the new contract were underway. The new agreement establishes a simple annual fee of \$45,000 to be paid by the University for use of the rink.

This agreement will expire August 31, 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-83
(Int. No. 84)

**Authorizing Extension Of The Agreement
With The University Of Rochester For Use Of
The Genesee Valley Ice Rink**

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

Section 1. The Mayor is hereby authorized to
enter into an extension through August 31, 2012 of
the agreement with the University of Rochester for
use of the Genesee Valley Ice Rink. The Univer-
sity of Rochester shall be obligated to pay an an-
nual fee of \$45,000 for said use.

Section 2. The agreement extension shall con-
tain such additional terms and conditions as the
Mayor deems to be appropriate.

Section 3. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-84
Re: CDBG Appropriation and Budget
Amendment - City Recreation Elite
Basketball League

Transmitted herewith for your approval is legisla-
tion appropriating \$10,000 from the Community
Needs allocation of the 2008-09 Community De-
velopment Block Grant and amending the 2008-09
Budget of the Department of Recreation and Youth
Services to include these funds to support the Elite
Basketball League as part of the City's youth bas-
ketball program.

This is the second year for the City Recreation
Elite Basketball League which provides opportuni-
ties for a greater number of teams to participate.
The Elite League will include up to 24 teams.
Enhancements include the addition of uniforms,
field trips, referees, mandatory youth asset devel-
opment and character education workshops, and a
technology-based literacy component to support
academic enrichment.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-28

Ordinance No. 2009-84
(Int. No. 85)

**Amending The 2008-09 Budget For An Elite
Basketball League**

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

Section 1. Ordinance No. 2008-198, the 2008-
09 Budget of the City of Rochester, as amended, is
hereby further amended by increasing the revenue
estimates and appropriations to the Department of
Recreation and Youth Services by the sum of
\$10,000, which amount is hereby appropriated
from the General Community Needs allocation of
the 2008-09 Community Development Program to
fund an Elite Basketball League for city youth.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-85
Re: STOP Violence Against
Women Program

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the New York
State Division of Criminal Justice Services for the
application for, and receipt and use of, a \$67,303
grant for the Stop Violence Against Women Pro-
gram (VAWA) for the period January 1 through
December 31, 2009. This grant renewal and the
required 25% match were anticipated in the 2008-
09 Budget of the Police Department; no budget
amendment is required.

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

This is the tenth round of funding awarded under
the VAWA program. The funding partially reim-
burses the cost of three Counseling Specialists and
some support costs for the Police Department's
Family & Victim Services Section. The 2009
award represents a reduction of approximately 3%
from the previous award, which was authorized by
City Council Ordinance No. 2008-28 in January
2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-29

Ordinance No. 2009-85
(Int. No. 86)

**Authorizing An Application And Agreement
For The STOP Violence Against Women Pro-
gram**

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 2009 STOP Violence Against Women Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-86
Re: Agreements - Biz Kid\$ and
Jr. Recreation Programs

Transmitted herewith for your approval is legislation related to the operation of the Biz Kid\$ and Jr. Recreation Leader programs. This legislation will:

1. Establish \$13,000 as maximum compensation for an agreement with Coordinated Care Services, Inc. to provide a coordinator for the Jr. Recreation Leader and Biz Kid\$ programs from July 1, 2009 through June 30, 2010. The following actions related to the General Community Needs allocations of the Community Development Block Grant are required to fund the agreement:
 - a. Appropriate \$5,173 from 2004-05;
 - b. Amend Ordinance No. 2008-34, which authorized funding for the Jr. Recreation Leader Program, to re-appropriate \$1,418 of the 2004-05 amount authorized in that legislation for the current agreement; and
 - c. Amend Ordinance No. 2008-73, which authorized funds for the Jr. Recreation Leader and BizKid\$ Programs, to re-appropriate \$6,409 of the 2005-06 amount authorized in that legislation for the current agreement.
2. Establish \$12,000 as maximum compensation for an agreement with the Credit Education Bureau to provide assistance in coordinating the Biz Kid\$ and Beyond program for BizKid\$ graduates from May 1, 2009 through April 20, 2010. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Since 2001, the Jr. Recreation Leader Program has annually provided job readiness training for fifteen City youth ages 14 and 15. Each of those youth also participates in a six-month internship with the Bureau of Recreation. The Biz Kid\$ program,

operating since 1999, has provided an opportunity for City youth to participate in an entrepreneurial program that teaches basic business skills. The program encourages youth enterprise and provides business start-up grants for graduates.

Funding for these programs was most recently approved by Council via Ordinances No. 2008-33 and 2008-73.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-30

Ordinance No. 2009-86
(Int. No. 87)

Authorizing Agreements And Amending Ordinances No. 2008-34 And 2008-73 For The Junior Recreation Leader And Biz Kid\$ Programs

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Coordinated Care Services, Inc. to provide a coordinator for the Junior Recreation Leader and Biz Kid\$ Programs.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$13,000, and of said amount, or so much as may be necessary, \$5,173 is hereby appropriated from the General Community Needs allocation of the 2004-05 Community Development Program, \$1,418 is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program and \$6,409 is hereby appropriated from the General Community Needs allocation of the 2006-07 Community Development Program.

Section 3. Ordinance No. 2008-34, relating to the Junior Recreation Leader 2 Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$1,418, which amount is reappropriated in Section 2.

Section 4. Ordinance No. 2008-73, relating to the Junior Recreation Leader and Biz Kid\$ Programs, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$6,409, which amount is reappropriated in Section 2.

Section 5. 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 the Credit Education Bureau for the Biz Kid\$ and Beyond Program. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

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. 2009-87
Re: Agreement - The Center for
Youth, Teen Court

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Center for Youth to provide administrative services to Rochester Teen Court. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of January 1, 2009-December 31, 2009.

Rochester Teen Court is a community-based prevention and intervention program that promotes peer justice and reinforces youth responsibility while educating youth about the judicial process. One of the first teen courts in New York State, the Rochester court handles truancy and traffic matters. The court also, uniquely, handles arrests for violations and crimes under the New York Penal Law.

Teen Court, historically funded solely by the City, is now accepted as a community resource, to be supported by several agencies. Currently, support is offered by the following:

Agency Support

- County Court (NYS Office of Court Adm.)
Facilities, utilities, office supplies, security
- City School District
\$50,000
- Wilson Foundation
\$15,000
- Monroe County Bar Association Foundation
\$9,000
- Greater Rochester Assn. of Women Attorneys
\$1,000
- Individual donations
 - Wearing apparel for participants
- Judges and attorneys
 - Volunteer time and expertise

With the commitment from participating agencies and volunteers to seek additional funding sources, the City will decrease its contribution next year. It is expected that beginning in 2010-11, Teen Court will no longer depend on City funds.

A budget and program description summary are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-31

Ordinance No. 2009-87
(Int. No. 88)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Teen Court

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Youth for administrative services for the Rochester Teen Court for 2009. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Spauld abstained because she is an employee of the agency that will receive funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-88
Re: Agreements - Adolescent Pregnancy
Prevention Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Health for the receipt and use of a \$354,752 grant for the Adolescent Pregnancy Prevention Services Program, and establishing maximum compensation, to be financed from the grant, with the CONECTS (Community Organization Networking and Engaging Children and Teens through Support) consortium of providers as follows:

Charles Settlement House Inc.	\$ 48,972
Junior Achievement	3,400
Society for the Protection & Care of Children	82,000
Baden Street/Metro Council For Teen Potential	48,839
Puerto Rican Youth Development	16,267
YWCA of Rochester and Monroe County	<u>68,839</u>
	\$268,317

The remaining amount, \$86,435, is included in the 2008-09 Budget to cover administrative costs associated with the City of Rochester's role as lead agency. These amounts represent a 6% decrease from the prior year, due to cutbacks by the State.

The CONECTS program, initiated in 1984, is a consortium of agencies whose purpose is to reduce the rate of initial and repeat teen pregnancies and provide services to pregnant or parenting teenagers. The City's Bureau of Youth Services is the lead agency for the grant, and the Metro Council for Teen Potential serves as the policy-making community board for the collaborative.

Providers were selected through a Request for Proposal application and review process, administered by the Bureau of Youth Services in partnership with the CONECTS Collaborative in July 2006. The approval of the program by the State is for a five-year term, April 2007 to March 2012. Unless an agency is not performing to contract, a new RFP will not be required until 2011.

The program will serve a total of 390 youth and their families. A project information summary is attached.

The Metro Council for Teen Potential (Community Council for APPS) and the NYS Dept of Health reserve the right to allocate funds between subcontractors as needed during the contract year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-32

Ordinance No. 2009-88
(Int. No. 89)

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 Department of Health for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

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

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$48,972
Junior Achievement	\$ 3,400
Society for the Protection & Care of Children (TAPSS)	\$82,000
Baden Street/Metro Council for Teen Potential	\$48,839
Puerto Rican Youth Development	\$16,267
YWCA of Rochester & Monroe County	\$68,839

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

nizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$268,317, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health.

Section 4. The 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. 2009-89
Re: Budget Amendment - After School Alliance

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$76,500 from Contingency to the 2008-09 Budget of the Department of Recreation and Youth Services (\$71,300) and to the 2008-09 Undistributed allocation (\$5,200) to fund after school activities and associated indirect expenses.

In December (Ordinance No. 2008-434), Council authorized \$76,500 to extend after school programming at various City recreation sites through March 31, 2009. This budget amendment will enable these programs to continue operation through June 30, 2009.

The City, United Way, and the Rochester Area Community Foundation, as part of an after school alliance team, are in the final phase of designing a plan for an on-going after school program. This three-month extension will allow the alliance more time to finalize the details of the program, without a break in service to children.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-89
(Int. No. 94)

Amending The 2008-09 Budget To Continue Expanded Hours At Recreation Sites

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$71,300 from the Contingency Account to the Department of Recreation and Youth Services and the sum of \$5,200 from the Contingency Account to Undistributed Expense to continue funding for expanded hours at recreation sites.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 24 was introduced January 20, 2009 and appears in its original form with it's transmittal letter on page 32 of the current Council Proceedings.

Ordinance No. 2009-90
(Int. No. 24)

Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 92 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-91
Re: Amendatory Agreement -
Sam Asher Computing
Services, Hyper-Reach
Notification System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Sam Asher Computing Services, Inc., for continued access to the consultant's Hyper-Reach notification system. This agreement has been in effect since November 2005, with the annual cost of \$7,000 financed from the Budgets of the Police Department. Council authorization is requested this year for an amendatory agreement since the firm is also currently under contract with the Emergency Communications Department, with maximum compensation established at \$50,000 (Ordinance No. 2007-473).

The Hyper-Reach system enables the user to instantly send pre-recorded voice messages to a pre-determined list of clients. The message can be modified and efficiently delivered to a large number of recipients in a short time span. The Police Department uses the system to contact potential Police Officer recruits at various stages of the application and approval process.

The amendatory agreement will extend the term by one year, to November 14, 2009; the \$7,000 to cover this period will be financed from the 2008-

09 Budget of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-91
(Int. No. 92)

Establishing Maximum Compensation For A Professional Services Agreement For Notification Services

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

Section 1. The sum of \$7,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Sam Asher Computing Services, Inc. for telephone notification services for the Rochester Police Department. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

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

DANIEL B. KARIN
City Clerk

**SPECIAL MEETING
APRIL 2, 2009**

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

Absent - Councilmember Lightfoot - 1.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-7
Re: Home Rule Resolution,
Red Light Cameras

Transmitted herewith for your approval is a home rule resolution relating to legislation that is currently being considered by the New York State Legislature. The legislation, S.3746 and A.7332, would authorize the City of Rochester to adopt a local law that would allow the installation of traffic control photo violation monitoring systems ("Red Light Cameras") at up to 50 intersections in the City, and provide for an initial penalty not to exceed \$50 for a violation. Violations would be adjudicated by the Parking Violations Bureau. The authorization for this demonstration program would expire December 1, 2014.

A Red Light Camera demonstration program was established in NY City in 1993. Since then, hundreds of thousands of vehicles, including buses and taxicabs, have been photographed going through red lights in New York City. In calendar year 2005 alone, 306,117 violations or Notices of Liability were issued to violators.

A large number of traffic accidents resulting in bodily injury and death to motorists, passengers, pedestrians, and bicyclists are due to the failure of motorists to obey traffic control signals located at intersections. "Right angle" and pedestrian accidents attributed to red light running are among the leading causes of traffic fatalities. By reducing the number of vehicles running red lights, the likelihood of "right angle" and pedestrian type accidents is reduced. The extended use of these monitoring devices has been shown to dramatically reduce the number of violations at the intersections being monitored.

The success of these intersection monitoring systems has been recognized by the State Legislature and the New York City Council in their repeated authorizations to extend their initial demonstration program. This legislation would authorize the City of Rochester to establish such a demonstration program to further promote safety and decrease motor vehicle accidents.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-7
(Int. No. 144)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative To Owner Liability For Failure Of Operator To Comply With Traffic Control Indications

Concurring in the request by the Mayor of the City of Rochester to the Senate and the 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 a motor vehicle owner's liability for failure of the vehicle operator to comply with traffic control indications.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council concurs in the request of Robert J. Duffy, Mayor of the City of Rochester, to the Senate and the Assembly of the

State of New York, constituting the New York State Legislature, that said Legislature enact the legislation set forth in the following bill entitled:

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to owner liability for failure of operator to comply with traffic control indications; and providing for the repeal of such provisions upon expiration thereof

Being Senate Bill No. S.3746 and Assembly Bill No. A.7332.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard - 6.

Nays - Councilmember Spaul - 1.

Councilmember Warren abstained because she works for Assemblyman David Gantt.

The meeting was adjourned at 4:40 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
APRIL 14, 2009

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Environmental Services
*Kim Clickner
Gary M. Giudice
*Pauline Lute
Finance Department
*Norma Hoch
Police Department
*Karen L. Coriddi
*Edward A. Giblin
*Timothy R. Mull
*Carmen J. Pellegrino
**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of March 18, 2009 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 3956-09 Quarterly Report - Professional services agreements with costs of \$10,000 or less 3957-09

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 An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program Int. No. 133 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement Int. No. 138 No speakers

Authorizing An Amendatory 2008-09 Community Development Program Plan And Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009 Int. No. 145 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 119 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 120 No speakers.

Continuation Of Local Improvement Ordinance No. 1422 Relating To The Norton Street Urban Renewal District Street Lighting District Int. No. 121 No speakers.

Approving An Increase In The Pavement Width Of Colebourne Road Int. No. 122 No speakers.

Approving The Culver Road Improvement Project And Changes In Pavement Width Of Culver Road Int. No. 123 No speakers.

Approving Changes In The Pavement Width Of Mt. Hope Avenue And South Clinton Avenue Int. No. 137 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 126 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin April 14, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 103 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Management Training

Int. No. 104 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For City Employee Training

Int. No. 105 - Appointment Of A Marriage Officer

Int. No. 142 - Authorizing The Acquisition Of Additions To The Street Lighting System Of The City And Amending The 2008-09 Budget, As Amended

Int. No. 142A - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$170,000 Bonds Of Said City To Finance The Cost Of The Acquisition Of Additions To The Street Lighting System Of The City

Int. No. 143 - Authorizing An Agreement For Payment Of Outstanding Street Lighting Costs

Int. No. 147 - Authorizing The Lease Of Space In The Port Terminal Building, As Amended

Respectfully submitted, Carolee A. Conklin Carla M. Palumbo (Did not vote on Int. Nos. 103 through 105) Lovely A. Warren Gladys Santiago FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2009-92 Re: Amendatory Agreement - Rochester Business Alliance, Leadership Academy/Management Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Business Alliance for continued support of the City's Leadership Academy and related professional development programs. This amendment will increase total maximum compensation by \$33,850, and extend the term through

June 30, 2010. The additional cost will be funded from the Undistributed allocation of the 2008-09 Budget.

The original agreement, authorized in April 2007, established maximum compensation for agreements with RBA (\$32,000) and with the Rochester City School District (\$16,400) for these same services. The agreement with RCSD was subsequently transferred to RBA, bringing total maximum compensation to RBA for the Academy and management development support services to \$82,250 for the period May 2007 through June 2010.

To date, more than 100 City management staff have participated in the Leadership Academy. The additional funds requested herein are sufficient to support another four to six cohorts of the Academy (approximately 100-120 individuals).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-33

Ordinance No. 2009-92
(Int. No. 103)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Management Training

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

Section 1. The sum of \$33,850, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Rochester Business Alliance for support of the City's Leadership Academy and related professional development support programs for City staff through June 30, 2010. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense. The agreement may contain an option for an additional year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-93
Re: Amendatory Agreement - BOCES,
Workforce Education Programs

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe #2-Orleans BOCES, Center for Workforce Development for continued development and delivery of workforce education programs offered to City employees. This amendment will increase maximum compensation by \$7,500, and extend the term of the agreement

through June 30, 2010, with an option for a one-year renewal.

The original agreement, authorized in May 2007, established \$40,000 as maximum compensation for the Rochester City School District to provide these services. An amendment authorized in August 2007 transferred the agreement to Monroe #2-Orleans BOCES. The agreement was further amended in April 2008 to increase maximum compensation by \$7,500. The additional funds requested herein will bring total maximum compensation to \$55,000 for the period June 2007 through June 2010. The cost of the current amendment will be funded from the 2008-09 Budget of the Bureau of Human Resources Management.

The original appropriation supported the City's 2007 conversion to Microsoft Office 2007. The high level of professionalism brought to that effort has led to a strong public partnership with Monroe #2 BOCES in the development and delivery of a number of workforce education programs including business writing, civil service test taking strategies, the ongoing migration to Microsoft Outlook, and other opportunities as identified through the City's Employee Development Program.

Respectfully submitted,
Robert J. Duffy,
Mayor

Attachment No. AI-34

Ordinance No. 2009-93
(Int. No. 104)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For City Employee Training

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

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with the Monroe #2-Orleans BOCES, Center for Workforce Development, for training for City employees through June 30, 2010. Said amount shall be funded from the 2008-09 Budget of the Bureau of Human Resource Management. The agreement may contain an option for an additional year.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-94
Re: Marriage Officer

Transmitted herewith for your approval is legislation appointing Hazel L. Washington, the Deputy City Clerk, as a Marriage Officer. She will replace Sharon C. Conheady, the former Deputy Clerk, who retired in November 2008.

The Domestic Relations Law § II-c authorizes the governing body of any village, town or city to appoint one or more Marriage Officers, for a term of up to four years, to have the authority to solemnize a marriage. A fee of \$40.00 is charged for providing such a service; said fee becomes part of the revenue to the City Clerk's licensing account.

As you will recall, the position of Marriage Officer was first created in September 1995. The City Clerk and Deputy City Clerk have been appointed to serve as Marriage Officers since that time. Most recently, in January 2008, City Clerk Daniel B. Karin was reappointed as Marriage Officer through January 15, 2012.

The proposed legislation will add Ms. Washington so that we can continue to have two Marriage Officers available to serve the public. Her term will also expire on January 15, 2012. There are no changes in the duties of the position or the fees charged.

Respectfully submitted,
Gladys Santiago Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2009-94
(Int. No. 105)

Appointment Of A Marriage Officer

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

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby appoints Deputy City Clerk Hazel L. Washington as a Marriage Officer, as long as she serves in the position of Deputy City Clerk, for a term that shall expire January 15, 2012.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-95 and
Ordinance No. 2009-96
Re: Funding for Purchase of Street
Lighting System

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the

amount of \$170,000 and the appropriation thereof to partially fund the purchase from the Rochester Gas & Electric Corporation of the remaining RG&E-owned street lighting system within the City.

Companion legislation (Introductory No. 142) regarding the terms and remaining financing submitted for your consideration will require an amendment to correct the amount inadvertently included as Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-95
(Int. No. 142, As Amended)

Authorizing The Acquisition Of Additions To The Street Lighting System Of The City And Amending The 2008-09 Budget

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

Section 1. The Council hereby approves the acquisition from the Rochester Gas & Electric Corporation of additions to the street lighting system of the City for an amount not to exceed \$7,300,000. Of said amount, or so much thereof as may be necessary, \$[5,975,000] 5,805,000 shall be funded from the 2008-09 Cash Capital allocation, \$200,000 shall be funded from the 2008-09 Budget of the Department of Environmental Services, \$1,000,000 shall be funded from the 2007-08 Budget for Undistributed Expense and \$125,000 shall be funded from the 2007-08 Budget of the Department of Environmental Services, and \$170,000 shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$972,000 from the Contingency Account to the Cash Capital allocation to fund the acquisition authorized herein.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-96
(Int. No. 142A)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$170,000 Bonds Of Said City To Finance The Cost Of The Acquisition Of Additions To The Street Lighting System Of The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of additions to the street lighting system of 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 \$7,300,000. 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 \$7,130,000 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 \$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 11.00 a.5 of the Local Finance Law, is thirty (30) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-97
Re: Agreement - Rochester Gas &
Electric Corporation, Purchase
Of Street Lighting System

Transmitted herewith for your approval is legislation related to the acquisition, from the Rochester Gas & Electric Corporation (RG&E), of the remaining RG&E-owned street lighting system within the City of Rochester. This legislation will:

1. Authorize an agreement with RG&E for the acquisition of remaining portions of the City Street Lighting System currently owned by RG&E, for an amount not to exceed \$7.3 million;
2. Amend the 2008-09 Budget by transferring

\$972,000 from Contingency to Cash Capital to fund a portion of the purchase of the street lighting system;

- 3. Authorize an additional agreement with RG&E for payment of outstanding invoice balances, and appropriate \$3.5 million dollars from the City's insurance reserve fund to cover this cost.

Purchase of the street lighting system. Beginning in 1948 with the purchase of four miles of lighting on Andrews Street, the City has progressively increased its ownership of the lighting system. As of March 2009, of a total of 27,665 street lights in the City, RG&E owns 11,669, and the City owns 15,996.

The purchase price for the remaining system components will be for an amount not to exceed \$7.3 million. This price is the result of the negotiation of both the book value of the lighting assets, which is estimated to be \$6.1 million, and a return on investment of \$1.2 million.

2008-09 Cash Capital (including the transfer referred to above)	\$5,975,000
2007-08 Budget of DES	125,000
2007-08 Undistributed	1,000,000
2008-09 Budget of DES	<u>200,000</u>
Total	\$7,300,000

Outstanding invoice balance. The City has maintained an arrangement with RG&E regarding the costs of maintenance, operation, and energy delivery for the system. Several factors have contributed to the accumulation of outstanding invoices, which both parties have agreed to settle for \$3.5 million. This amount will be paid from the City's insurance reserve fund in the amount of \$437,500 annually for eight years with no interest charges to the City. This negotiated resolution is an integral component of the lighting system sale from RG&E.

There are several benefits the City will realize with full ownership of the system at this time, including:

- The City's costs for operation and maintenance will produce savings of approximately \$475,000 annually;
- Avoiding the annual cost of approximately \$345,000 that would result from RG&E's proposed rate increase;
- Response times to lighting outages will decrease;
- Customer service will become more efficient with citizens' ability to use the 311 call center;
- The City will be able to convert the existing mercury vapor fixtures to high-pressure sodium fixtures, without the additional capital expenses of pole and conduit replacement currently required by RG&E, which will re-

sult in additional annual savings of approximately \$100,000 in energy costs, as well as improved lighting levels;

- Acceleration of the original planned acquisition as outlined in the 2009-13 Capital Improvement Plan will reduce the City's capital investment in the lighting system by \$6 million.

It is anticipated that the transfer will commence in May 2009, with completion within three to six months.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-97
(Int. No. 143)

Authorizing An Agreement For Payment Of Outstanding Street Lighting Costs

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Gas & Electric Corporation for the payment of outstanding street lighting costs in an amount not to exceed \$3,500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Insurance Reserve Fund. The agreement shall allow the City to pay the amount in equal installments for a term of eight years, without interest.

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. 2009-98
Re: Lease Agreement - Customs Border Protection, Port Terminal Building

Transmitted herewith for your approval is legislation authorizing a lease agreement with the US Customs and Border Protection (CBP) Air and Marine Branch to lease 2,500 square feet of office space at the Port Terminal Building, and approximately 1,000 square feet of storage space.

The federal government recently established 11 Air and Marine branches of CBP for the Great Lakes area and has chosen the Port of Rochester as one location. This branch will employ eight marine agents and several interceptor boats.

The space originally incorporated into the Port Terminal Building for CBP use includes a total of approximately 13,000 square feet. Since this

space was designed to post 9/11 specifications, the 2,500 square foot area included in the lease agreement can be used by the Air and Marine branch as built. The remaining space may be used for CBP expanded operations in the future; CBP may also need to lease docking slips for their vessels. Both of these uses would increase the total cost of the lease.

The City will provide utilities, common area maintenance, eight parking spaces, and janitor services and supplies.

Lease rates of \$17 per square foot for office space and \$7 per square foot for garage space were determined by an independent appraisal from Kevin Bruckner, MAI of Bruckner, Tillett, Rossi, Cahill and Associates in March 2009. That amount includes gross rent, utilities, and janitorial services. In addition, CBP will pay \$272 per month to cover the costs of water, refuse collection, snow removal, common area maintenance, and eight parking spaces. The total monthly lease amount will be \$4,397.

This agreement will have an initial term of 18 months beginning May 1, 2009, with an option for one eighteen-month renewal.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-35

Ordinance No. 2009-98
(Int. No. 147, As Amended)

Authorizing The Lease Of Space In The Port Terminal Building

WHEREAS, the City of Rochester has received a proposal for the lease of space in the Port Terminal Building to the United States Customs and Border Protection Air and Marine Branch for a term of eighteen months, with an option to renew for an additional eighteen month term; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease; and

WHEREAS, the Council has formally reviewed the appraisal of the independent consultant on the value of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the lease is the provision of customs and border protection services at the Port of Rochester;

NOW, THEREFORE, BE IT ORDAINED, by

the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Customs and Border Protection Air and Marine Branch for the lease of approximately 2,500 square feet of office space and 1,000 square feet of storage space in the Port Terminal Building. The leased office space shall be located in the approximately 13,000 square feet of the building constructed for such use. The agreement shall extend for a term of eighteen months, with an option to renew for an additional eighteen month term.

Section 2. The lease agreement shall obligate the lessee to pay annual gross rent to the City in the amount of \$[52,764] 49,500, which amount shall include payment for janitorial services and supplies, common area maintenance, utilities, water, refuse collection, snow removal, and eight parking spaces.

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Warren
April 14, 2009

To the Council:

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

Int. No. 106 - Authorizing The Sale Of Real Estate

Int. No. 107 - Authorizing The Sale Of 103-111 Addison Street

Int. No. 108 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Reduction Demonstration Grant Program

Int. No. 109 - Authorizing Agreements For Lead Hazard Evaluation Services

Int. No. 111 - Authorizing A Loan Agreement For The Northwest Apartment Project

Int. No. 112 - Authorizing The Sale Of Real Estate For The Northwest Apartment Project

Int. No. 113 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Northwest Apartment Project

Int. No. 114 - Authorizing An Agreement For The Aging In Place Home Modification Program

Int. No. 115 - Designating An Area To Be Known As The Bull's Head Urban Renewal District

Int. No. 146 - Amending The 2008-09 Budget For The Demolition Program

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

Int. No. 133 - Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

Int. No. 138 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement

The following entitled legislation is being held in Committee:

Int. No. 110 - Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program

Int. No. 145 - Authorizing An Amendatory 2008-09 Community Development Program Plan And Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-99
Re: Sale of Real Estate

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

The first property is being sold at appraised value. The purchaser is planning to rehabilitate the structure and market the renovated property to owner-occupants.

The next property is a vacant buildable lot and is being sold to the adjoining owner. The buyer

plans to combine the lot with their adjoining property.

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

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,180.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-36

Ordinance No. 2009-99
(Int. No. 106)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcel of improved property:

Address: 234 Collingwood Dr
S.B.L.#: 091.31-1-57
Lot size: 43x145
Price: \$5,000
Purchaser: *NCS Community Development Corp.

* Principals: Frank Cornier, President; Frances Visconte, Chair-Board of Directors; Karyn Herman, Treasurer; Joel Kunkler, Secretary

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

Address: 842 North St
S.B.L.#: 106.41-3-73
Lot size: 40x103
Price: \$50
Purchaser: Juana M. Valentin

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
229 Kilmar St 091.49-1-24	23x107 Svetlana Gonzalez	2,461
996 Joseph Ave 091.71-3-50	32x121 *Grace Unity Fellowship Church	3,872
589 Seneca Pkwy Pt. of 090.57-2-79	6x80 Lewis LoQuasto	480

* Principals: Rev. Roosevelt Dixon; Trustees - Raymond Jones, Roosevelt Cure, Dorothy Hall, Frank McCollough, Joyce McCollough, John Johnson

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-100
Re: Sale of Real Estate - 103 and 111 Addison Street

Transmitted herewith for your approval is legislation authorizing the sale of two City-owned vacant lots located at 103 and 111 Addison Street to Shane Stevens. The area to be conveyed is approximately 0.30 acres. The sale price of \$6,527 was determined by an independent appraisal prepared by Bruckner, Tillett, Rossi, Cahill & Associates.

Shane Stevens owns and operates a home remodeling and real estate investment business which is currently located in the Town of Greece. Given the growth of his ten-year operation, Mr. Stevens will construct a larger facility on this more centrally-located site. Construction of a 3,200 square-foot, one-story contractor's storage building is anticipated to start in Spring 2009 and be operational by Fall 2009. Total project cost, including construction of the new facility and purchase of the land, is estimated at \$70,000. Mr. Stevens is the only employee of his business, although he frequently employs sub-contractors on most projects.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-37

Ordinance No. 2009-100
(Int. No. 107)

Authorizing The Sale Of 103-111 Addison Street

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

Section 1. The Council hereby approves the sale of 103-111 Addison Street SBL#104.600-1-35.1 & 36, to Shane Stevens for the sum of \$6,527.

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. 2009-101
Re: 2008 Lead Hazard Reduction
Demonstration Grant Program

Transmitted herewith for your approval is legislation related to the City's 2008 Lead Hazard Reduction Demonstration Grant Program. This legislation will:

1. Appropriate \$3,999,700 from the U.S. Department of Housing and Urban Development to fund the program;
2. Establish \$88,576 as maximum compensation for an agreement with The Housing Council in the Monroe County Area to provide application intake services; and
3. Establish \$50,000 as maximum compensation for an agreement with Action for a Better Community to provide application intake services.

The submission of the funding application for this program was approved by Council in July 2008. The award will allow the City to continue the operation of the Lead Hazard Control Grant Program by offering financial assistance to eligible owners of 1-4 unit privately-held housing. Up to \$18,000 per unit will be made available to correct lead-based paint hazards. Typical work activities will include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment. The City will continue to work with its broad base of EPA-certified Lead Abatement contractors to carry out these efforts.

The program will serve 200 rental property owners

and 50 owner-occupants. Owner-occupants must earn income at or below 80% AMI and must have a child occupant under age 6. Owners will be required to sign a 5-year agreement with the City to ensure residency and long-term lead-safety. Rental property owners will be required to produce a 10% funding match. They will also be required to sign a 5-year agreement with the City to ensure affordable rents (per HUD guideline) and that assisted units are offered to tenants with income at or below 50% AMI. All recipients of funding will be required to complete a one-day lead safe work practices training course at the City's cost.

The program concentrates on assisting rental units because the prevalence of child lead poisoning is greatest in these properties. Outreach and marketing efforts will be aimed at neighborhoods where the abundance of "at-risk" rental properties are found. Partnerships with The Housing Council, Action for a Better Community, neighborhood groups and associations, the Monroe County Department of Public Health, and the medical community will raise awareness of the program.

A Request for Proposal (RFP) was issued for application intake services. Proposals were received from Neighborworks Rochester, Action for a Better Community (ABC), and The Housing Council. The Housing Council and ABC have been selected.

The Housing Council has worked with the City since 2004 to provide landlord services for the Lead Hazard Control Program and has consistently performed above expectation. They will be responsible for hosting presentations, meeting with landlord groups/associations, responding to requests for service through their well-established hot-line, and will have applications and program information available through their website. Funding will be provided to support staffing for 1.5 full-time equivalents.

ABC is recommended based on its role as the City's Lead Resource Center. The Center was established with funding made available from the Greater Rochester Health Foundation (GRHF) in 2007. GRHF also provided funds at the same time for the City's Lead-Safe Homes Program (a targeted lead hazard control program operating in 14621). Through ABC's agreement with the GRHF, they provide application intake services for the City's Lead-Safe Homes Program, which has worked very effectively. Funding will be provided to support one full-time position.

This is the fifth funding award received from HUD; since 2004, 706 units of lead safe housing have been produced. This new funding award will allow for a minimum production of an additional 250 units by December 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-101
(Int. No. 108)

Authorizing Agreements And Appropriating Funds For The Lead Hazard Reduction Demonstration Grant Program

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

Section 1. There is hereby appropriated from funds to be received under an agreement with the United States Department of Housing and Urban Development for funding for the 2008 Lead Hazard Reduction Demonstration Grant Program the sum of \$3,999,700, or so much as may be received, to fund the Lead Hazard Reduction Demonstration Grant Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for services for the Lead Hazard Reduction Demonstration Grant Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$88,576, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 4. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for services for the Lead Hazard Reduction Demonstration Grant Program.

Section 5. 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, shall be funded from the appropriations made in Section 1.

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. 2009-102
Re: Neighborhood Initiative Grant
Program for Lead Hazard Control

Transmitted herewith for your approval is legislation authorizing agreements with the following firms to provide services in support of the City's Lead Hazard Control Program utilizing funding from the HUD Neighborhood Initiative Program (NIP):

Environmental Testing and Consulting
53 Ellicott Ave.
Batavia, NY 14020

Proway Management
1164 N Clinton Ave.
Rochester, NY 14621

Lew Corporation
1090 Bristol Rd.
Mountainside, NJ 07092
(local office in Honeoye Falls)

Envoy Environmental
57 Ambrose St.
Rochester, NY 14608

Funding for NIP was appropriated in November 2008. The program was authorized to undertake approximately 300 lead-based paint inspections over a three-year period. A Request for Proposal was distributed to 25 local EPA-approved lead hazard evaluation firms to obtain proposals. Four firms submitted proposals.

These four firms will offer combined lead-based paint inspections/risk assessments to property owners enrolled in the City's Lead Hazard Control Program. It is estimated that 300 inspections will be required. Three of these consultants have provided these services for the City since 2004 and all have performed to the City's satisfaction. It is anticipated that each consultant will complete approximately 100 inspections, at an average cost of \$500 per inspection.

The total cost of these agreements will not exceed \$152,880 and will be funded from funds appropriated for NIP in November 2008 (Ordinance 2008-381). The average cost for an inspection will be \$500.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-102
(Int. No. 109)

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 for the Lead Hazard Control Grant Program:

Environmental Testing & Consulting, Inc.
Envoy Environmental Consultants, Inc.
Lew Corporation
Proway Management

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$152,880, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Ordinance No. 2008-381.

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. 2009-103,
Ordinance No. 2009-104 and
Ordinance No. 2009-105

Re: Northwest Apartments

Transmitted herewith for your approval is legislation related to the Northwest Apartment project being undertaken by Providence Housing Development Corporation and NCS Community Development Corporation. The project involves the construction of 22 single-family homes and the rehabilitation of a single-family structure within the Edgerton neighborhood. This legislation will:

1. Authorize a loan agreement with Providence Housing Development Corporation, or its subsidiary, for the Northwest Apartments, LP and/or Housing Development Fund Company. The loan of \$175,000 will be for a 30-year term with interest at the applicable federal rate and annual interest payments of 1%;
2. Appropriate a total of \$175,000 from the Rental Housing Fund of 2008-09 HOME Program to fund the loan;
3. Authorize the sale of 20 vacant lots and one house at their appraised value to Providence Housing or its subsidiary for the Northwest Apartments, LP and/or Housing Development Fund Company to be formed by Providence;
4. Authorize property tax exemptions and payment in-lieu-of taxes (PILOT) agreement with Providence Housing and/or a HFDC to be formed by Providence; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements.

Twenty-two rental units will be built on scattered sites within the portion of the Edgerton neighborhood bordered by Driving Park on the north, Dewey Avenue on the west, Lake Avenue on the east and Locust Street on the south. The project also includes the rehabilitation of an existing single-family house. A property list and map are attached.

Providence Housing has received Low Income Housing Tax Credits for this project. All units will be affordable to families at 50% or less of the median family income. Five units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority. Three of the units are reserved for persons with HIV AIDS, or mental or physical disabilities. At the end of the 15-year tax credit compliance period, the single-family homes will be offered to the tenants for purchase.

The units in this project will house larger families, and will include: two five-bedroom, 11 four-bedroom, nine three-bedroom, and one two-bedroom units. Two of the three-bedroom units will be fully accessible ranch style houses and one four-bedroom unit will be fully accessible. All are visitable.

The budget for the project is as follows:

Costs:	
Property acquisition	\$ 16,000
Soft costs	520,966
Construction	3,934,550
Construction contingency	209,763
Developer fee	514,391
Reserves	73,000
Working capital	<u>35,000</u>
Total	\$5,303,670
Sources:	
Equity	\$4,212,259
FHLB	345,000
Developer equity	154,317
MLK Grant	10,000
City HOME	175,000
Mortgage loan	<u>407,094</u>
Total	\$5,303,670

The City loan will be used to partially fund construction. The PILOT agreement will provide a 30-year tax exemption in consideration for an annual in-lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

The project is anticipated to start construction this summer 2009 and will be completed in the spring of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-38

Ordinance No. 2009-103
(Int. No. 111)

Authorizing A Loan Agreement For The Northwest Apartment Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Northwest Apartments, L.P. or a subsidiary formed for the Northwest Apartment Project. The loan shall be for a term of 30 years with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed

\$175,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2008-09 HOME Program Funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-104
(Int. No. 112)

Authorizing The Sale Of Real Estate For The Northwest Apartment Project

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

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Providence Northwest Apartments Housing Development Fund Company, Inc. or a housing development fund company formed for this Project, at their appraised value, for the construction of housing as a part of the Northwest Apartment Project:

<u>Property Address</u>	<u>SBL Number</u>	<u>Lot Size</u>	<u>Price</u>
28-28.5 Brooklyn St.	105.26-3-68	100 x 121	\$ 600
94 Glendale Pk.	105.34-1-39	50 x 121	475
115 Glendale Pk.	105.34-2-8	50 x 121	475
116 Glendale Pk.	105.34-1-52	49 x 122	450
102-104 Glenwood Ave.	105.27-2-41.1	66 x 129	525
112 Glenwood Ave.	105.27-2-42.3	33 x 108	1
221 Glenwood Ave.	105.34-1-23	49 x 121	450
247 Glenwood Ave.	105.34-1-19	50 x 121	475
225-227 Glenwood Ave.	105.34-1-22	50 x 121	475
346 Glenwood Ave.	105.26-2-64	49 x 129	475
96-98 Mason St.	90.82-3-73	43 x 115	425
100-102 Mason St.	90.82-3-74	42 x 115	425
130 Mason St.	90.82-3-79	42 x 115	425
131-133 Ravine Ave.	105.35-4-53	40 x 99	400
174 Ravine Ave.	105.35-4-3	110 x 98	600
273 Ravine Ave.	105.34-3-21	40 x 137	450
10 Tacoma St.	105.35-4-1	48 x 105	450

17 Tacoma St. 105.34-1-27.1	80 x 65	5,000
56 Tacoma St. 105.27-1-35	42 x 156	475
13 Locust St. 105.43-1-16	40 x 118	425
71 Locust St. 105.42-1-20	40 x 118	425
Total		\$13,901

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-105
(Int. No. 113)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Northwest Apartment Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Providence Northwest Apartments Housing Development Fund Company, Inc. or a housing development fund company formed for this Project, and to be used for housing as a part of the Northwest Apartment Project:

<u>Property Address</u>	<u>SBL Number</u>
28-28.5 Brooklyn St.	105.26-3-68
94 Glendale Pk.	105.34-1-39
115 Glendale Pk.	105.34-2-8
116 Glendale Pk.	105.34-1-52
102-104 Glenwood Ave.	105.27-2-41.1
112 Glenwood Ave.	105.27-2-42.3
221 Glenwood Ave.	105.34-1-23
247 Glenwood Ave.	105.34-1-19
225-227 Glenwood Ave.	105.34-1-22
346 Glenwood Ave.	105.26-2-64
96-98 Mason St.	90.82-3-73
100-102 Mason St.	90.82-3-74
130 Mason St.	90.82-3-79
131-133 Ravine Ave.	105.35-4-53
174 Ravine Ave.	105.35-4-3
273 Ravine Ave.	105.34-3-21
10 Tacoma St.	105.35-4-1
17 Tacoma St.	105.34-1-27.1
56 Tacoma St.	105.27-1-35
13 Locust St.	105.43-1-16
71 Locust St.	105.42-1-20

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the housing development fund company, whereby the owner

shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-106
Re: Agreement - Lifespan, Aging in Place

Transmitted herewith for your approval is legislation establishing \$68,000 as maximum compensation for an agreement with Lifespan of Greater Rochester, Inc., for the continuation of the Aging in Place Home Modification Program; and appropriating \$68,000 from the Improving the Housing Stock and General Property Conditions allocation (Housing Choice Fund account) of the 2008-09 Community Development Block Grant to fund the agreement.

Home modification has been identified as a key and economical method for helping older residents remain independent in their own homes. The Aging in Place Senior Home Safety and Security Program was established in 2006 to provide home modification services to eligible city residents.

Elderly city homeowners, whose income is at 80% of the median area income or less, are eligible to participate in the program. Those receiving assistance from any existing City housing rehabilitation program will continue to be referred to Lifespan for the Aging in Place Program as appropriate.

Lifespan conducts home surveys to determine what modifications might be needed to support continued residence, and also provides selected home modifications and/or repairs that directly increase livability options. Typical modifications include installation of stairway handrails, bathtub grab bars, or handheld shower units.

During the past year, Lifespan conducted 227 home surveys and completed 1,084 home modifications for elderly city homeowners. Monthly seminars on fraud, scams, and identify theft offered by Lifespan were attended over the year by a total of 609 people; 43 consumer support cases were resolved.

Under the proposed program, Lifespan will conduct at least 338 home safety surveys in the city at an estimated total cost of \$20,300 (\$60 per survey). A minimum of 236 of those surveyed will receive safety home modifications at an estimated total cost of \$47,700. Lifespan will continue to

offer topical seminars and consumer support services to senior homeowners. Lifespan will also provide orientation and training to potential home modification service providers and make appropriate referrals for home modification work beyond the scope of this program.

This program has operated for three years, and was most recently authorized in April 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-106
(Int. No. 114)

Authorizing An Agreement For The Aging In Place Home Modification Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan of Greater Rochester, Inc. for the continuation and promotion of the Aging In Place Home Modification Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$68,000, 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 2008-09 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-107
Re: Urban Renewal District
Designation - Bull's Head
Revitalization Area

Transmitted for your approval is legislation approving the Bull's Head Revitalization Area as eligible for designation as an urban renewal district.

This area is generally bounded by properties located on the north sides of Brown Street, West Main Street and West Avenue, as well as properties located on both sides of Hortense Street, Danforth Street, Silver Street and Kensington Street. The area boundary also includes 34-36 Colvin Street, all of Algonquin Street, and the southernmost block of York Street. A boundary map is attached.

The proposed designation is intended to facilitate the redevelopment of the Bull's Head Revitalization Area. The conditions analysis report prepared by Clark Patterson Engineers, Surveyors & Architects, P.C. in March 2009 is available for review in the City Clerk's Office.

The approximately 17.5 acre district would comprise 104 existing parcels with separate tax identification numbers including the following existing uses: 69 residential, eight commercial/residential (apartment) mixed-use, twelve commercial, five vacant commercial, and five vacant residential properties; four parking lots, and one industrial property. The district may be subdivided into various development parcels.

Many of the structures within the proposed district are over 80 years old and in poor condition. The proposed district is comprised of numerous vacant and/or underutilized structures and lots.

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, which will subsequently be submitted to the City Planning Commission and the City Council for approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-39

Ordinance No. 2009-107
(Int. No. 115)

Designating An Area To Be Known As The Bull's Head 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 generally bounded by properties located on the north sides of Brown Street, West Main Street and West Avenue, as well as properties located on both sides of Hortense Street, Danforth Street, Silver Street, and Kensington Street, 34-36 Colvin Street, all of Algonquin Street and the southernmost block of York Street, as set forth in a conditions report and map prepared by Clark Patterson Engineers, Surveyors & Architects, P.C. on file in the Office of the City Clerk, is substandard and insanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York. The Council hereby designates the same as an urban renewal area to be known as the Bull's Head Urban Renewal District.

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 an urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-108
Re: Budget Amendment - City
Demolition Program

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$425,000 from the Contingency Account to the Cash Capital account of the Department of Community Development to further fund the City demolition program.

The current demolition budget for 2008-09 is \$2,900,000. With that amount, 151 structures have been, or are in the process of being demolished, and over 200 structures have had asbestos work performed. Based on projected work for the remainder of this fiscal year, current funds are not sufficient to continue the program or to address any emergency demolitions.

The additional \$425,000 will be used as follows:

1. \$125,000 for 24 additional demolitions to be conducted by the Department of Environmental Services in 2008-09. Properties referred to DES are first surveyed, and asbestos containing materials are removed. To date, DCD has referred 42 of these structures to DES for demolition.
2. \$200,000 for DCD to perform an additional ten high-priority demolitions, and two emergency demolitions before the end of the fiscal year.
3. \$100,000 to fund the combined asbestos abatement and demolition of the former Green Acres facility at 101 Berlin Street. This 17,500 square foot former warehouse has started to collapse and needs to be demolished expeditiously. The high estimated cost of demolition is attributed to both the size of the building and its deteriorated structural condition. Since parts of the building are in a state of collapse, the complete asbestos abatement prior to demolition is impossible. Instead asbestos abatement will be combined with demolition, with portions of the building having to be removed as asbestos waste.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2009-108
(Int. No. 146)

Amending The 2008-09 Budget For The Demolition Program

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$425,000 from the Contingency Account to the Cash Capital allocation to fund the City Demolition Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-109
Re: Restore NY Communities
Initiative - Round 3

Transmitted herewith for your approval is legislation authorizing an application to and an agreement with the Empire State Development Corporation (ESDC) for two grants totaling \$18,767,990 through the Restore NY Communities Initiative Program.

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned residential and/or commercial properties. The ESDC total funding for the program was \$50 million in 2006, \$100 million in 2007, and has increased to \$150 million for this year, the third and final round of the program. The ESDC limits municipalities with populations of over 100,000 to two projects and to a maximum request of \$10 million per project.

The City released its own Restore NY Request for Proposals (RFP) in anticipation of the ESDC's RFP for Restore NY. The City subsequently received 26 proposals that together requested a total of \$28,767,990. A committee of staff from Zoning, Housing and Project Development, Economic Development, Division of Environmental Quality, Law, and Site Plan Review reviewed and ranked the proposals. Accordingly, the City will apply to the ESDC for two projects and request a total of \$18,767,990 in funding. The application will be submitted by May 4, 2009.

The City is proposing to undertake either demolition or rehabilitation on the sites identified on the attached Property Assessment List. The two projects to be identified in the application are the Development Site Clearance Project, and Center City Revitalization Project.

Development Site Clearance Project

Restore NY funds totaling \$9,349,378 would be used for the following:

1. *Conifer on Fernwood*

Developer: Conifer Realty
Address: 100-142 Fernwood Ave.
Type of Activity: Demolition
Total Demolition Cost: \$786,773
ESDC Request: \$503,070

Demolition of two privately-owned abandoned buildings that used to house the Voplex Corporation. The main building is an approximately 120,000 square foot one-story concrete block building and the other is a 3,000 square foot brick building. This demolition will help create a shovel-ready site for new housing construction. The project is currently participating in the NYS Brownfield Cleanup Program.

2. *Former Genesee Hospital site*

Developer: Tracy Street Realty LLC
Address: 230-250 Alexander Street
Type of Activity: Demolition
Total Demolition Cost: \$11,903,692
ESDC Request: \$6,846,308

Redevelopment of a 7.4 acre site formally occupied by the Genesee Hospital. The site is encumbered by 10 interconnected buildings. The project involves demolition of a majority of the buildings and redevelopment of the site for medical office, retail, commercial, and residential uses. The project also involves major asbestos abatement, utility improvements and new streets. Phase 1 demolition and renovation of retained buildings is underway. Total project cost for the new complex is \$75 million; of that amount, the total asbestos and demolition cost is \$11,903,692.

3. *City owned properties*

The demolition of up to 150 residential, mixed-use, and commercial structures with funding in the amount of \$2,000,000. Restore NY funds will be used to address City-owned residential and commercial buildings as part of the ongoing strategy to right-size the housing stock, assemble sites for development, and implement focused demolition of obsolete properties. These structures have been assessed for possible re-use and demolition is recommended.

Center City Revitalization Project

Restore NY funds totaling \$9,418,612 would be used to create approximately 30 new rental housing units, 50 new condominium housing units, and the renovation of 99,242 sq. ft of commercial space in the following six downtown buildings (map attached):

1. *First Realty Property*

Developer: 217 West Main Street, LLC
Address: 217 West Main Street
Type of Activity: Rehabilitation
Total Development Cost: \$3,948,405

ESDC Request: \$1,616,152

Commercial space to be renovated: 27,398 sq. ft.

Number of jobs to be created and retained: 50 jobs

New rental housing units to be created: N/A

2. *Trolley Barn*

Developer: 61 Commercial Realty LLC
Address: 61 Commercial Street
Type of Activity: Rehabilitation
Total Development Cost: \$5,841,302
ESDC Request: \$2,644,947

Commercial space to be renovated: 45,093 sq. ft.

Number of jobs to be created and retained: 200 jobs

New rental housing units to be created: N/A

3. *Kirstein Building*

Developer: 234-250 Andrews St. LLC/Globe Developers
Address: 234-250 Andrews Street
Type of Activity: Rehabilitation
Total Development Cost: \$4,045,630
ESDC Request: \$1,100,000

Commercial space to be renovated: 8,830 sq. ft.

Number of jobs to be created and retained: N/A

New rental housing units to be created: 30

4. *Capron Street Lofts*

Developer: Riverview Lofts LLC
Address: 228 South Avenue
Type of Activity: Rehabilitation
Total Development Cost: \$5,200,000
ESDC Request: \$1,250,000

Commercial space to be renovated: 5,000 sq. ft.

Number of jobs to be created and retained: N/A

New condominium housing units to be created: 19

5. *250 East Avenue*

Developer: QP, LLC
Address: 250 East Avenue
Type of Activity: Rehabilitation
Total Development Cost: \$1,290,000
ESDC Request: \$335,000

Commercial space to be renovated: 3,321 sq. ft.

Number of jobs to be created and retained: N/A

New condominium housing units to be created: 2

6. *44 Exchange Boulevard*

Developer: Philippone Associates/Empire Living LLC
Address: 44 Exchange Boulevard
Type of Activity: Rehabilitation
Total Development Cost: \$7,131,288
ESDC Request: \$2,472,513

Commercial space to be renovated: 9,600 sq.

ft.
Number of jobs to be created and retained: N/A
New condominium housing units to be created:
29

In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- o The proposed projects are consistent with City policy documents, including:
 - Comprehensive Plan;
 - Consolidated Community Development Plan/Strategic Plan 2005/06 – 2009/10
 - Center City Master Plan
 - Housing Policy
 - City-Wide Rochester Housing Market Study Recommendations
- o The proposed financing is appropriate for the identified projects;
- o The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- o Where applicable, the projects develop and enhance infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

The City was awarded \$2.3 million and \$6 million in Restore NY funds from the ESDC in 2006 and 2007, respectively.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-40

Ordinance No. 2009-109
(Int. No. 133)

Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Empire State Development Corporation for funding under the Restore NY Communities Initiative Program which shall be used by the City for the demolition of City-owned properties and private properties, and the rehabilitation of Center City properties.

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

Section 3. In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- (a) The proposed projects are consistent with: 1) the Comprehensive Plan; 2) the Consolidated Community Development Plan/ Strategic Plan 2005/06 - 2009/10; 3) the Center City Master Plan; 4) the Housing Policy; and 5) the City-Wide Rochester Housing Market Study Recommendations;
- (b) The proposed financing is appropriate for the identified projects;
- (c) The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources;
- (d) Where applicable, the projects develop and enhance infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1598
Re: Alexander St. and South Avenue
Open Space Maintenance Special
Assessment District

Transmitted herewith for your approval is legislation approving the 2009-10 assessments for the South Avenue/Alexander Street Open Space Maintenance Special Assessment District located at 62 Alexander Street. These assessments finance the cost of maintenance of this property.

The Assessment District for the area was established in 2004 through Local Improvement Ordinance No. 1537. The South Avenue and Alexander Street Green Space Enhancement project is the result of a Sector Targeted Funding Initiative project that reconstructed the open space at the corner of South Avenue and Alexander Street into a fully accessible open space, meditation area and recreational space.

The assessments reflect annual maintenance costs of \$6,500, based on annual maintenance estimates obtained by the South Wedge Planning Committee (SWPC). Costs include mowing of grass, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, security equipment operation, and a reserve to pay for repairs to structures and pavement installed in the open space.

The South Wedge Planning Committee will be responsible for property maintenance. The City will reimburse SWPC from the assessment fund upon submission of vouchers for maintenance expenses.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1598
(Int. No. 138)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement

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

Section 1. The cost of the special work and services to be assessed for the 2009-10 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1537.

Section 2. The Mayor is further authorized to enter into an agreement with the South Wedge Planning Committee for the maintenance of the South Avenue/Alexander Street Open Space District.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$6,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein.

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

Section 5. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Councilmember Warren moved to discharge Int. No. 145 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-110
Re: American Recovery and Reinvestment Act CDBG Funds

Transmitted herewith for your approval is legislation related to the Community Development Block Grant. This legislation will:

1. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to reflect the receipt and use of \$2,585,159 in Community Development Block Grant funds received through the federal American Recovery and Reinvestment Act of 2009;
2. Authorize the submission of the Development Plan amendment to the U.S. Department of Housing and Urban Development, and the execution of any grant agreements;
3. Appropriate \$1,500,000 of the funds for the EDD Financial Assistance Loan & Grant Program; and
4. Authorize the Mayor to enter into agreements for the use of these funds.

As part of the federal stimulus package, the City of Rochester is receiving an additional \$2,585,159 in Community Development Block Grant Funds. The EDD funds are the only funds being requested to be appropriated at this time. Specific program appropriations for the housing funds will be requested in the future. CDBG allocations will be increased as noted below:

EDD Financial Assistance Loan & Grant Program (\$1,500,000) This program provides financial assistance to city businesses and funds the following programs: EDD Financial Assistance Program, EDD Building Renovation Matching Grant Program, Targeted Business Assistance Program, Main Street Assistance Program, and Pre-Development Grant Program

Housing Development Fund (\$500,000) This program provides financing for: development of owner housing by Community Development Organizations; rehabilitation grants and loans for owner occupants for minor rehabilitation; lead hazard reduction for owner occupants and landlords; housing development support through Home Rochester and the Focused Investment Strategy; moderate rehabilitation under the Emergency Assistance Rehabilitation Program; development of rental projects; and the administration of the Neighborworks Revolving Loan Fund.

Homeownership Assistance Fund (\$68,127) Provides down payment/closing cost assistance to first-time homebuyers, pre-and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services and mortgage default resolution.

Neighborhood and Asset Planning Fund (\$517,032) This program focuses on activities

that increase homeownership, stabilize existing owner-occupants, and stabilize existing investment. It provides support to neighborhood groups participating in the Neighbors Building Neighborhoods process, and to improve four selected neighborhoods.

A public hearing on the Consolidated Plan amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-110
(Int. No. 145)

Authorizing An Amendatory 2008-09 Community Development Program Plan And Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009

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

Section 1. The Council hereby approves amendments to the 2008-09 Community Development Program Plan to enable the City to receive and administer additional Community Development Block Grant funds in the amount of \$2,585,159 from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009, for the following purposes:

- EDD Financial Assistance Loan & Grant Program - \$1,500,000
- Housing Development Fund - \$500,000
- Homeownership Assistance Fund - \$68,127
- Neighborhood and Asset Planning Fund - \$517,032

Section 2. The Mayor is hereby authorized to enter into all necessary agreements to enable the City to receive and administer additional Community Development Block Grant funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 3. There is hereby appropriated from the EDD Financial Assistance Loan & Grant Program allocation of the 2008-09 Community Development Program the sum of \$1,500,000, or so much thereof as may be necessary, to fund the EDD Financial Assistance Loan & Grant Program.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the EDD Financial Assistance Loan & Grant 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:

Introductory No. 110
Re: Amendatory Agreement - NCS
Community Development
Corporation, FIS Exterior and
Security Rehabilitation Program

Transmitted herewith for your approval is legislation related to the implementation of the Exterior and Security Rehabilitation Program as part of the Focused Investment Strategy. This legislation will:

1. Appropriate \$1,000,000, and \$500,000 from the Improving the Housing Stock and General Property Conditions allocations of the 2007-08 and the 2008-09 Community Development Block Grants, respectively to fund the program; and
2. Authorize an amendatory agreement with NCS Community Development Corporation, Inc., to add the administration of the program to their existing agreement to provide EARP services (Ordinance No. 2009-09), and extending the term through April 30, 2010.

NCS Community Development Corporation, Inc. currently administers the EARP program through a collaborative of service delivery partners for each city quadrant. As such, they are uniquely positioned to deliver similar services for the Focused Investment Strategy FIS ESRP. NCS will be paid an administration fee of 10% per project.

The FIS concentrates a portion of CDBG resources to effect visible, positive changes in specific neighborhoods within three to five years. Through a process that included community input, four FIS areas were approved by Council in August 2008: Beechwood, Dewey/Driving Park, Jefferson Avenue, and Marketview Heights.

The Exterior and Security Rehabilitation Program (ESRP) offers deferred loans to owner-occupants to improve the overall appearance and security of each of the FIS neighborhoods. Homeowners will contribute up to \$500 toward the cost of repairs; and the loans to recipients who continue residence for five years will be forgiven.

The program will fund rehabilitation projects to improve the exterior and enhance the security of privately-owned residential properties. Design standards for enhanced curb and neighborhood appeal are being established. Repairs may include: roof repair and/or replacement, siding or paint for the house and garage, gutters, windows, exterior entry doors, front porch repair or replacement, driveways, sidewalks outside of the right of way, foundation plantings, demolition of exterior structures, or other enhancements as appropriate. Security repairs may include: entry door locks and dead bolts, back yard fencing, internal security alarm systems (monitoring services to be paid by

homeowner), glass block windows in basements, and exterior lighting at entry ways and garages, if electric service is already available.

Deferred loans of up to \$20,000 will be available to owner-occupant households with incomes at or below 80% of area median income. Loan amounts will be determined by the needs of specific properties to meet the design standards. A minimum of \$300,000 will be allocated for each FIS area, and \$50,000 will be reserved by the City to address any warranty issues.

The grants will be marketed in each FIS area according to plans determined by their respective community stakeholders. A lead-based paint risk assessment will be conducted for each identified project, and eligible households will be able to utilize City programs to address identified lead hazards.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 110

APPROPRIATING FUNDS AND AUTHORIZING AGREEMENTS FOR THE FOCUSED INVESTMENT STRATEGY EXTERIOR AND SECURITY REHABILITATION PROGRAM

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$1,000,000 and from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$500,000, or so much thereof as may be necessary, to fund the Focused Investment Strategy Exterior and Security Rehabilitation Program.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with NCS Community Development Corporation, Inc. to administer the Focused Investment Strategy Exterior and Security Rehabilitation 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.

Held in Committee.

By Councilmember Lightfoot
April 14, 2009

To the Council:

The Parks & Public Works Committee recom-

mends for adoption the following entitled legislation:

Int. No. 116 - Authorizing The Acquisition Of The Former Hojack Railroad Right Of Way

Int. No. 117 - Authorizing An Agreement For The Edgerton Recreation Center Aquatic Facilities And Playground Improvements Project

Int. No. 118 - Establishing Maximum Compensation For A Professional Services Agreement For A Cortland Street Truck Tunnel Portal Study

Int. No. 135 - Authorizing Agreements For Materials Testing Services

Int. No. 139 - Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

Int. No. 140 - Establishing Maximum Compensation For An Agreement For A Transitional Jobs Training Program

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

Int. No. 119 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 120 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 121 - Continuation Of Local Improvement Ordinance No. 1422 Relating To The Norton Street Urban Renewal District Street Lighting District

Int. No. 122 - Approving An Increase In The Pavement Width Of Colebourne Road

Int. No. 123 - Approving The Culver Road Improvement Project And Changes In Pavement Width Of Culver Road

Int. No. 124 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Culver Road Improvement Project

Int. No. 136 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Avenue And South Clinton Avenue Enhancement Project

Int. No. 137 - Approving Changes In The Pavement Width Of Mt. Hope Avenue And South Clinton Avenue

Respectfully submitted,
John F. Lightfoot
Carla M. Palumbo
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-111
Re: Transfer of Right-of-Way for
Durand Eastman Park Beach

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Parks, Recreation and Historic Preservation for the purchase of the former Hojack Railroad right-of-way, pursuant to Section 34 of New York State Public Lands Law, and certification that the land will remain in use as public park land. This is an 18.5 acre parcel within Durand Eastman Park; the cost of said parcel sale will be \$1.00.

The State of New York purchased the parcel from the railroad in 1981, and granted an easement to Monroe County to allow construction of the Lakeside Trail in 2006. On June 24, 2006, Council authorized an amendatory agreement with the County for the operation and maintenance of a portion of the Durand Eastman Beach and also the acceptance of temporary easements from the State of New York to place an office trailer and portable toilets on the State land.

This sale will consolidate City ownership of the area of Durand Eastman Park maintained and operated by the City, and facilitate the implementation of future capital improvements as planned in the Durand Eastman Park Beach Master Plan.

Maps and legal descriptions of the property are available for review in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-41

Ordinance No. 2009-111
(Int. No. 116)

Authorizing The Acquisition Of The Former Hojack Railroad Right Of Way

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

Section 1. The Council hereby approves the acquisition of the former Hojack Railroad right of way from the New York State Office of Parks, Recreation and Historic Preservation for the sum of \$1.

Section 2. The Council hereby certifies that such parcel is useful for local park purposes and will be properly improved and maintained for such purposes as a part of Durand Eastman Park.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-112
Re: Agreement - Stantec Consulting
Services, Edgerton Recreation
Center

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Stantec Consulting Services, for landscape architectural and mechanical engineering design services at Edgerton Recreation Center for improvements to the aquatic facilities and playground. The cost of the agreement will be financed from the General Property Conditions allocation of the 2006-07 Consolidated Community Development Block Grant.

The project includes the design and construction of improvements to the Edgerton Recreation Center to provide zero-depth, non-recirculating water play and playground facilities. Improvements will include installation of utilities (water, sewer, electric) to support water play, pre-teen and toddler play apparatus with safety surfacing, the relocation of existing bocce courts, redesign of traffic lanes, parking, and related site improvements.

Proposals were solicited from four area firms: Stantec Consulting Services, Environmental Design & Research P.C., Bergmann Associates P.C., and Bayer Associates. Project-specific qualifications of each firm were rated by staff; based on their qualifications and approach to the project, Stantec was selected.

Design is scheduled to be completed in late Summer 2009. Construction is scheduled for early Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-42

Ordinance No. 2009-112
(Int. No. 117)

Authorizing An Agreement For The Edgerton Recreation Center Aquatic Facilities And Playground Improvements Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Stantec Consulting Services for landscape architectural and mechanical engineering design services for the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project.

Section 2. The agreement shall obligate the

City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-113
Re: Agreement - Cortland Street
Truck Tunnel Portal Study

Transmitted herewith for your approval is legislation establishing \$11,000 as maximum compensation for an agreement with LaBella Associates, P.C. for engineering services for the study of alternate portal locations for the Cortland Street truck tunnel in conjunction with the Midtown Revitalization Project. The cost of the agreement will be financed from the 2008-09 Cash Capital allocation for the Department of Economic Development.

The Cortland Street tunnel is a City-owned facility which currently provides underground vehicular access for delivery and service trucks to the Rochester Riverside Convention Center, the Hyatt Hotel, and Chase Tower. The tunnel was also used as access to businesses previously located on the Midtown Plaza site. The current street entrance to the tunnel is located at Atlas Street. With the planned demolition and redevelopment of the Midtown Plaza, there is a need to consider alternate locations of the portal to the truck tunnel for continued use.

LaBella Associates studied several alternate portal locations on the Midtown site as part of their master planning design agreement for the Midtown Revitalization Project, authorized by City Council in January 2008 (Ordinance 2008-25). This subsequent agreement would expand on their preliminary feasibility study to evaluate and recommend an alternate portal, likely to be located on South Avenue. LaBella Associates is recommended due to their familiarity with the Midtown site and the truck tunnel operation.

It is anticipated that a final recommendation will be made for portal relocation prior to the start of site demolition.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-113
(Int. No. 118)

Establishing Maximum Compensation For A Professional Services Agreement For A Cortland Street Truck Tunnel Portal Study

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

Section 1. The sum of \$11,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for a Cortland Street Truck Tunnel Portal Study. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-114
Re: Agreements - Materials Testing

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>
Asbestos & Environmental Consulting	6296 Fly Road, Syracuse, NY
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1 South Washington Street, Ste. 520
CME Associates	385 Sherman Street
Foundation Design, P.C.	335 Colfax Street
Flower City Monitor	100 Boxart Street
Lozier Analytical Group	2011 East Main Street
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive
Tierney Geotechnical Engineering	3445 Winton Place, Suite 117

The costs of the testing will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services, or from the capital funds appropriated for specific 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 in April 2007. 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 11 firms; the ten responding firms are all recommended.

When 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 2007 thru 2009:

<u>Company</u>	
Atlantic Testing Laboratories	\$ 35,555.99
Barton & Loguidice, P.C.	\$265,830.63
CME Associates	\$ 94,399.82
ENSR	\$ 37,953.81
Lozier Analytical Group	\$561,183.75
Paradigm Environmental Services, Inc.	\$495,178.50
Van De Horst (SJB Services)	\$ 27,954.50

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-114
(Int. No. 135)

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>
Asbestos & Environmental Consulting	6296 Fly Road, Syracuse, NY
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1 South Washington Street, Suite 520
CME Associates	385 Sherman Street

- Foundation Design, P.C.
335 Colfax Street
- Flower City Monitor
100 Boxart Street
- Lozier Analytical Group
2011 East Main Street
- Paradigm Environmental Services, Inc.
179 Lake Avenue
- SJB Services, Inc.
535 Summit Point Drive
- Tierney Geotechnical Engineering
3445 Winton Place, Suite 117

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional one year. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the renewal year with the approval of the City Engineer. The cost of said test shall be funded from the annual budget or from project appropriations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-115 and
Ordinance No. 2009-116
Re: Agreements - Rochester Landscape Technicians, Lot Maintenance, And Information Distribution

Transmitted herewith for your approval is legislation authorizing agreements with Rochester Landscape Technicians Programs, Inc. for the provision of lot maintenance services and for the delivery of informational flyers associated with the City's Chip Seal program.

The goal of Rochester Landscape Technicians is to provide a transitional jobs program, which promotes work readiness and self-sufficiency. Participants receive assistance to reduce negative behaviors and to complete requirements for a GED. The consultant will hire City residents between the ages of 18 to 28.

Lot maintenance services. This legislation will establish \$27,400 as maximum compensation for the agreement; the cost will be financed from the 2008-09 Budget of the Department of Environmental Services. Rochester Landscape Technicians will provide light debris and trash removal and grass cutting at each of approximately 315 City-owned 4,000 square-foot lot-equivalents. Eight cutting cycles are proposed throughout the term of the agreement, May 1, 2009 through April 30, 2010.

The lots will be concentrated within the southwest

section of the City. A total of \$10.84 will be paid for each cleaning and cutting of each lot equivalent.

Delivery of informational flyers. This legislation will establish \$13,500 as maximum compensation for this agreement with Rochester Landscape Technicians. The cost will be funded from the 2008-09 Budget of the Department of Environmental Services; the term will run from May 1, 2009 through April 30, 2010. The consultant will assemble and distribute the informational flyers to appropriate households. The reimbursement rate will be \$450 per 1,000 flyers delivered.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-115
(Int. No. 139)

Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

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

Section 1. The sum of \$27,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Landscape Technicians Programs, Inc. for a lot maintenance services jobs training program. Said amount shall be funded from the 2008-09 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-116
(Int. No. 140)

Establishing Maximum Compensation For An Agreement For A Transitional Jobs Training Program

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

Section 1. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Landscape Technicians Programs, Inc. for a transitional jobs training program involving the delivery of informational notices associated with the City's Chip Seal program. Said amount shall be funded from the 2008-09 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1599,
Local Improvement Ordinance No. 1600 and
Local Improvement Ordinance No. 1601
Re: Local Improvement Ordinance -
Special Assessment Districts

Transmitted herewith for your approval is legislation establishing the 2009-10 budgets for 11 special assessment districts, nine of which provide for street lighting enhancements, and two for streetscape enhancements; and reauthorizing the street lighting district for the Norton Street URD for a new 10-year term. The districts are as follows:

LIO	District		Type
	2009-10	2008-09	
1547	Wilson Boulevard		Street lighting
	\$ 440.22	\$ 514.38	\$ (74.16)
1502	Lyell Avenue I		Street lighting
	2,458.30	2,502.45	(44.15)
1503	Lyell Avenue II		Street lighting
	2,385.98	2,616.69	(230.71)
1413	Monroe I		Street lighting
	1,229.46	1,265.48	(36.02)
1412	Monroe II		Street lighting
	535.89	579.55	(43.66)
1429	Cascade Historic		Street lighting
	1,498.94	1,417.99	80.95
1430	Cascade Historic		Streetscape
	4,500.00	5,000.00	(500.00)
1421	Norton Street URD		Streetscape
	2,815.00	2,815.00	0
1422	Norton Street URD		Street lighting
	1,215.03	1,318.14	(103.11)
1472	Lake Avenue		Street lighting
	3,507.19	3,774.30	(267.11)
1552	St. Paul Street		Street lighting
	445.85	370.07	75.78

The Wilson Boulevard district (1995, LIO No. 1374; 2005, LIO No. 1547) included the installation of six lighting fixtures. The capital cost of the enhancement was financed by the University of Rochester.

The Lyell Avenue I district (1992, LIO No. 1340; 2002, LIO No. 1502) includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, Verona Street and Amber Place. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street. It also involved the replacement of 100/150-watt with 250-watt fixtures on four poles at the aforementioned intersections. The capital cost of the enhancement was financed with Community Development Block Grants funds.

The Lyell Avenue II district (1998, LIO No. 1377; 2002, LIO No. 1503) includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements involved the replacement of 250-watt fixtures with 400-watt

fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections. The capital cost of the enhancement was financed with Community Development Block Grant (CDBG) funds.

The Monroe Avenue I district (1998, LIO No. 1413) includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490. The Monroe Avenue II district (1998, LIO No. 1412) includes 68 properties from Inner Loop to Culver Road. The districts provide for the fluting of the bronze-colored metal davit light poles, and pedestrian-level lights attached to the back of the davit poles. The capital cost of the enhancements for both districts was financed with City funds.

The Cascade Historic districts were established in 1999 and include 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. LIO No. 1429, which provides for the lighting enhancements, is based on the differential between maintenance and operation of a standard davit system and the post top ornamental system. LIO No. 1430, which provides for the streetscape enhancements, included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed within the district. The capital cost of the enhancements was financed with federal funds.

The Norton Street Urban Renewal special assessment districts were established in 1998 and include 9 properties along Excel Drive, from Norton and Bastian. The Street lighting assessment district, LIO No. 1422, provides for pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, the annual energy and maintenance costs for the light fixtures. The streetscape assessment district, LIO No 1421, provides for the maintenance of special sidewalk pavements, signage and landscaping. The capital cost of the enhancements was financed with federal funds.

The Lake Avenue district (2000, LIO NO. 1472) includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles. The capital cost of the enhancements was financed with State funding.

The St. Paul Street district (2005, LIO No. 1552) includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consist of 11 pedestrian level arms and 100-watt lights mounted on the roadway poles. The first year of the assessment included the entire capital expense for the installation of the enhanced facilities in addition to the energy and maintenance of the lights.

Public hearings are required.

Respectfully submitted,

Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1599
(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 2009-10:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 440.22	1547
Lyell Avenue I	2,458.30	1502
Lyell Avenue II	2,385.98	1503
Monroe Avenue I	1,229.46	1413
Monroe Avenue II	535.89	1412
Cascade Historic	1,498.94	1429
Norton Street Urban Renewal	1,215.03	Pending
Lake Avenue	3,507.19	1472
St. Paul Street	445.85	1552

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1600
(Int. No. 120)

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 2009-10:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$4,500	1430
Norton Street Urban Renewal	2,815	1421

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1601
(Int. No. 121)

Continuation Of Local Improvement Ordinance No. 1422 Relating To The Norton Street Urban Renewal District Street Lighting District

WHEREAS, by Local Improvement Ordinance No. 1422, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Street Lighting District; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years;

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

Section 1. Local Improvement Ordinance No. 1422, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Street Lighting District, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-117
Re: Colebourne Road Improvement Project

Transmitted herewith for your approval is legislation authorizing an increase of four feet in pavement width on Colebourne Road, from 20 feet to 24 feet, beginning at the east end of Colebourne Road to a point 60 feet east of North Winton Road, then tapering to the existing 22 foot width at North Winton Road.

The original construction of Colebourne Road included 20 feet of pavement with a two-foot paved gutter along both sides. Over time, the street and lack of curbing had led to variable pavement width of 20 to 23 feet of existing roadway surface. The gradual taper is to accommodate completed work as part of the reconstruction of North Winton Road in 2001.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. It will include reconstruction of the pavement; installation of new curbs; new water services, driveway aprons and sidewalks; installation of a post top street lighting system and an underdrain/storm drainage system with catch basins; and topsoil, seed and tree plantings. The pavement width changes will allow for two 12-foot lanes while retaining the existing single-side parking.

It is anticipated the design will be completed by the end of Spring 2009. Construction is projected to begin in Summer 2009, with substantial completion by Fall 2009.

A public informational meeting was held on March 10, 2009; copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the April 7, 2009 Traffic Control Board meeting.

A public hearing on the pavement width change is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-43

Ordinance No. 2009-117
(Int. No. 122)

Approving An Increase In The Pavement Width Of Colebourne Road

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

Section 1. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Colebourne Road from the east end to a point 60 feet east of North Winton Road, with a gradual taper to the existing 22 feet at North Winton Road, as part of the Colebourne Road Improvement Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-118 and
Ordinance No. 2009-119
Re: Culver Road Improvement Project
(Atlantic Avenue-Garson Avenue
and Laurelton Road-Clifford Avenue)

Transmitted herewith for your approval is legislation related to the Culver Road Improvement Project. This legislation will:

1. Approve the Culver Road Improvement Project Engineering Planning Report;
2. Authorize the geometric changes recommended in the report as follows:

Culver Road (East Main Street to Garson Avenue);

- a. Decrease of 6 feet from 40 feet to 34 feet, from 110 feet south to 60 feet north of Macbeth Street;
 - b. Decrease of 6 feet from 40 feet to 34 feet, from 120 feet south to 70 feet south of Cedarwood Terrace;
 - c. Decrease of 6 feet from 34 feet to 28 feet, from 70 feet south to 90 feet north of Cedarwood Terrace;
 - d. Transitional increase of 12 feet from 28 feet to 40 feet, from 90 feet north of Cedarwood Terrace to 100 feet south of Garson Avenue.
- Culver Road (Laurelton Road to Clifford Avenue):
- e. Transitional decrease of 7 feet from 35 feet to 28 feet, from west Laurelton Road to east Laurelton Road;
 - f. Decrease of 1 foot on Culver Road, from 35 feet to 34 feet.
- 3. Appropriate \$154,000 of anticipated reimbursements from Monroe County for their share in project design costs; and
 - 4. Establish \$220,000 as maximum compensation for an agreement with LaBella Associates, PC, Rochester, for engineering design services. The cost of the agreement will be financed from 2007-08 Cash Capital (\$22,000), 2006-07 Water Cash Capital (\$15,200), 2007-08 Water Cash Capital (\$28,800), and anticipated reimbursements from Monroe County (\$154,000).

This project is part of the County-assisted Arterial Improvement Program. Under the agreement with the County regarding such projects, authorized by City Council in 1981, an engineering plan must be prepared, and approved by Council. As authorized by Ord. No. 2007-386, LaBella Associates has completed that report, which is on file in the Office of the City Clerk.

The plan recommends reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water main; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; topsoil and seeding; and width changes.

The estimated cost of construction, including inspection and contingencies is \$5,980,000 and identified in the Capital Improvement Program.

LaBella Associates is recommended for design of the project based on the firm's qualifications and familiarity with the project.

Design of the project is scheduled to be completed in the Winter 2009. Construction is expected to begin in Spring 2011, and be completed by Fall 2012.

A public informational meeting was conducted on August 6, 2008. A copy of the minutes of this meeting is attached. The pavement width changes required for the project were presented to the Traffic Control Board on March 17, 2009.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-44

Ordinance No. 2009-118
(Int. No. 123)

Approving The Culver Road Improvement Project And Changes In Pavement Width Of Culver Road

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

Section 1. The Council hereby approves the engineering planning report for the Culver Road Improvement Project (Atlantic Avenue to Garson Avenue and Laurelton Road to Clifford Avenue).

Section 2. The Council hereby approves the following changes in the pavement width of Culver Road as a part of the Culver Road Improvement Project:

- 1. Pavement width changes on Culver Road from East Main Street to Garson Avenue:
 - a. Decrease of 6 feet from 40 feet to 34 feet, from 110 feet south to 60 feet north of Macbeth Street;
 - b. Decrease of 6 feet from 40 feet to 34 feet, from 120 feet south to 70 feet south of Cedarwood Terrace;
 - c. Decrease of 6 feet from 34 feet to 28 feet, from 70 feet south to 90 feet north of Cedarwood Terrace;
 - d. Transitional increase of 12 feet from 28 feet to 40 feet, from 90 feet north of Cedarwood Terrace to 100 feet south of Garson Avenue.
- 2. Pavement width changes on Culver Road from Laurelton Road to Clifford Avenue:
 - a. Transitional decrease of 7 feet from 35 feet to 28 feet, from west Laurelton Road to east Laurelton Road;
 - b. Decrease of 1 foot on Culver Road, from 35 feet to 34 feet.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-119
(Int. No. 124)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Culver Road Improvement Project

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

Section 1. The sum of \$220,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for engineering design services for the Culver Road Improvement Project (Atlantic Avenue to Garson Avenue and Laurelton Road to Clifford Avenue). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$22,000 shall be funded from the 2007-08 Cash Capital allocation, \$15,200 shall be funded from the 2006-07 Cash Capital allocation (Water Fund), \$28,800 shall be funded from the 2007-08 Cash Capital allocation (Water Fund) and \$154,000 is hereby appropriated from anticipated reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-120 and
Ordinance No. 2009-121
Re: Mt. Hope Avenue and South Clinton
Avenue Enhancement Project

Transmitted herewith for your approval is legislation establishing \$154,000 as maximum compensation for an agreement with FRA Engineering, PC for Resident Project Representation services related to the Mt. Hope Avenue and South Clinton Avenue Enhancement Project, and authorizing geometric changes for the project. The cost of the agreement will be funded from federal American Recovery and Reinvestment Act stimulus transportation funds, as authorized in Ordinance No. 2009-73.

City Council authorized FRA Engineering, PC to perform the planning and preliminary engineering and design for the project in December 2006. The project features include enhanced crosswalks and curbed bump-outs throughout the corridor. The lighting system will be upgraded with more decorative fixtures. The Goodman Street/South Clinton intersection pavement will consist of a different material, either concrete or a thermoplastic material, stamped into the asphalt.

The pavement width changes, described on the attached list, are required for the intersection bumpouts. The curbed bumpouts act as a traffic calming device, and helps with pedestrian crossings. The island installation is for the easterly approach of Alexander Street to South Clinton Avenue. Current factors have resulted in vehicles occasionally crossing the intersection, striking the building at the southwest corner. The island is intended to mitigate this by serving as a visual cue and channeling any errant vehicles.

FRA Engineering, PC is recommended for RPR services based on their qualifications and familiarity with the project.

A public informational meeting for Mt. Hope Avenue was held March 2, 2009 and a public informational meeting for South Clinton Avenue was held November 6, 2008. Copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the April 7, 2009 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-45

Ordinance No. 2009-120
(Int. No. 136)

Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Avenue and South Clinton Avenue Enhancement Project

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

Section 1. The sum of \$154,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C. for resident project representation services for the Mt. Hope Avenue and South Clinton Avenue Enhancement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the appropriation made in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-121
(Int. No. 137)

Approving Changes In The Pavement Width Of Mt. Hope Avenue And South Clinton Avenue

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

Section 1. The Council hereby approves the following changes in the pavement width of Mt. Hope Avenue as a part of the Mt. Hope Avenue and South Clinton Avenue Enhancement Project:

- a. Hickory Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 57 feet north of the center of Hickory Street to Hickory Street;
- b. Averill Avenue Intersection, both west and eastside: A decrease of 16 feet, 8 feet on each side, from the existing 44 foot width to a 28 foot width, beginning at a point 60 feet south of the center of Averill Avenue to Averill Avenue, and from Averill Avenue to a point 74 feet north of Averill Avenue;
- c. Hamilton Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 110 feet south of the center of Hamilton Street to a point 70 feet north of Hamilton Street;
- d. Alexander Street Intersection, both west and eastside: On the eastside, a decrease of 8 feet, beginning at a point 58 feet south of the center of Alexander Street to a point 70 feet north of the center of Alexander Street. On the westside, a constant taper, from 0 feet to 8 feet, beginning at a point 70 feet north of the center of Alexander Street to a point 233 feet south of the center of Alexander Street. The combination of these changes narrows the pavement a variable 8 feet to 10 feet, from the existing 44 foot width to a variable 36 to 34 foot width, 70 feet north of the centerline of Alexander Street to a point 58 feet south of Alexander Street, and a variable 2 feet to 8 feet from the existing 44 foot width to a variable 42 to 36 foot width from 58 feet south of the centerline of Alexander Street to a point 233 feet south of the centerline of Alexander Street;
- e. Comfort Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 100 feet south of the center of Comfort Street to a point 77 feet north of Comfort Street.

Section 2. The Council hereby approves the following changes in the pavement width of South Clinton Avenue as a part of the Mt. Hope Avenue and South Clinton Avenue Enhancement Project:

- a. Byron Street Intersection, on the westside: A decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at Byron Street to a point 82 feet south of the center of Byron Street;
- b. Comfort Street Intersection, both west and

eastside: a decrease of 12 feet, 6 feet on each side, from the existing 40 foot width to a 28 foot width, beginning at a point 52 feet south of the center of Comfort Street to a point 58 feet north of the center of Comfort Street, and a decrease of 6 feet on the westside, from the existing 40 foot width to a 34 foot width, beginning at a point 58 feet north of the center of Comfort Street to a point 233 feet north of the center of Comfort Street;

- c. Alexander Street Intersection, both west and eastside: A decrease of 11 feet, 6 feet on the east side and 5 feet on the west side, from the existing 40 foot width to a 29 foot width, beginning on the eastside at a point 91 feet south of the center of Alexander Street to a point 70 feet north of the center of Alexander Street, and beginning on the westside at a point 74 feet south of the center of Alexander Street to a point 86 feet north of the center of Alexander Street;

An additional change at the Alexander Street intersection also includes an island on Alexander Street, starting at a point 86 feet east of the centerline of South Clinton Avenue to a point 146 feet east of the centerline of South Clinton Avenue. The island will be located 23 feet south of the north curblineline of Alexander Street;

An additional change to the Alexander street intersection is the removal of a tapered 3 foot widening along the eastern approach on Alexander Street at South Clinton Avenue. The removal of this widening begins at a point 172 feet west of the centerline of south Clinton Avenue to South Clinton Avenue. The pavement in this area will decrease from its existing 39 feet to 36 feet;

- d. Hamilton Street Intersection, on the westside: a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 52 feet south of the center of Hamilton Street to a point 111 feet north of the center of Hamilton Street;
- e. Averill Avenue Intersection, both west and eastside: a decrease of 12 feet, 6 feet on each side, from the existing 40 foot width to a 28 foot width. On the westside, beginning at a point 65 feet south of the center of Averill Avenue to a point 65 feet north of the center of Averill Avenue, and on the eastside, beginning at a point 72 feet south of the center of Averill Avenue to a point 88 feet north of the center of Averill Avenue;
- f. Gregory Street Intersection, on the westside: a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 63 feet south of the center of Gregory Street to a point 74 feet north of the center of Gregory Street;
- g. Karges Place Intersection, on the eastside: A

decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 47 feet south of the center of Karges Place to a point 47 feet north of the center of Karges Place.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
April 14, 2009

To the Council:

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

Int. No. 125 - Amending Ordinance No. 2008-310, Relating To The Sale Of Real Estate In The Rochester Science Park

Int. No. 132 - Authorizing An Agreement For Parking In The High Falls Garage

Int. No. 141 - Establishing Maximum Compensation For Professional Services Agreements For The North Winton Road And Portland Avenue And Norton Street Commercial Areas And Amending Ordinance No. 2008-192, As Amended

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

Int. No. 126 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-122
Re: Sale of 250 Science Parkway

Transmitted herewith for your approval is legislation authorizing a land mortgage to Parkway Real Estate, LLC (d.b.a. Columbia Analytical Services, LLC) for the purchase of land at 250 Science Parkway; and amending Ordinance 2008-310 to change the purchaser's name.

Ordinance No. 2008-310 authorized the sale of 220 and 250 Science Parkway to CAS Real Estate, Inc., (d.b.a. Columbia Analytical Services, LLC). Since then, the City has combined the parcels into one with the address of 250 Science Parkway, and CAS Real Estate has changed its name to Parkway Real Estate, LLC.

The amount of the land mortgage will be the price of the land, with interest at the City's borrowing rate at the time of closing for a ten-year term. Real estate appraisers Pogel, Schubmehl & Ferrara, LLC provided an appraised value of \$60,000 per acre on September 26, 2007. The total sale price for the land is approximately \$224,400.

The City loan will be subordinate to a building construction loan in the approximate amount of \$2.8 million.

The mortgage will assist Parkway Real Estate in purchasing the property for the construction of an approximately 20,410 square foot building on 250 Science Parkway. Construction is expected to begin in the Summer/Fall of 2009. In the future, the building may be expanded to approximately 32,685 square feet to accommodate potential growth. Total project investment in the city has increased to approximately \$4.2 million. Parkway currently employs 52 individuals. The number of employees is anticipated to grow to as many as 75 within five years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-122
(Int. No. 125)

Amending Ordinance No. 2008-310, Relating To The Sale Of Real Estate In The Rochester Science Park

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

Section 1. Ordinance No. 2008-310, relating to the sale of 220 and 250 Science Parkway in the Rochester Science Park to CAS Real Estate, Inc. is hereby amended by changing the name of the purchaser to Parkway Real Estate, LLC and the address to 250 Science Parkway, the new address for the combined parcel. The Council hereby further authorizes the Mayor to enter into a land mortgage with the purchaser for the purchase price of \$224,400, with interest set at the City's borrowing rate at the time of closing, for a term of ten years. The mortgage may be subordinate to a loan for the construction of a building on the parcel.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-123
Re: Parking Agreement - Stantec
Consulting Services, High
Falls Garage

Transmitted herewith for your approval is legislation establishing a ten year parking agreement with Stantec Consulting Services, Inc. for use of the High Falls Garage. Execution of this agreement is contingent on requisite funding to re-develop 61 Commercial Street as the future corporate headquarters for Stantec.

This agreement will provide Stantec 148 regular and 10 reserved parking spaces for the use of their employees. Stantec will be charged the garage's prevailing monthly rate.

This agreement is for a term of 10 years and two months from commencement and will include two five-year renewal options.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-123
(Int. No. 132)

**Authorizing An Agreement For Parking In
The High Falls 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 Stantec Consulting Services, Inc. for parking spaces in the High Falls Garage. Stantec shall be able to purchase up to 148 regular and 10 reserved spaces in the Garage each month at the prevailing monthly rate, for use by Stantec employees. The agreement shall extend for a term of 10 years and two months, with Stantec having two five-year renewal options at the prevailing monthly parking rate. The agreement shall be contingent upon Stantec obtaining funding to redevelop 61 Commercial Street for use as its corporate headquarters.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-124
Re: Agreement - Ingalls Planning
And Design, Comprehensive
Revitalization Plans

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for agreements with Ingalls Planning and

Design (IPD) for the preparation of Comprehensive Revitalization Plans for the Winton Road commercial area and for the Portland and Norton Street commercial area.

Funding for these agreements will come from the 2008-09 Budgets of the Department of Community Development (\$5,000) and the Economic Development Department (\$10,000).

The City's Economic Development Department uses a four-step process in its neighborhood commercial planning efforts. Ingalls Planning & Design (IPD) will work with a steering committee of City staff and community stakeholders in these two commercial areas to complete the process. Specifically, IPD will:

- Review previously prepared visioning materials, including previously prepared plans and reports, and prepare a summary report.
- Meet with EDD and the steering committee to review and discuss the economic opportunities and challenges that face the community, based on an economic analysis prepared for the areas by EDD staff.
- Work with EDD and the steering committee to develop a community design plan for each area.
- Using the information from the steps 1-3, assist EDD and the neighborhood associations to define clear recommendations and action items.
- Produce a summary document, *Revitalization Plan*, for each area and present it to the community stakeholders.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-46

Ordinance No. 2009-124
(Int. No. 141, As Amended)

**Establishing Maximum Compensation For
Professional Services Agreements For The
North Winton Road And Portland Avenue And
Norton Street Commercial Areas And Amending
Ordinance No. 2008-192**

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ingalls Planning & Design for planning services for the revitalization of the North Winton Road Commercial Area. Said amount shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ingalls Planning & Design for planning services for the revitalization of the Portland Avenue and Norton Street Commercial Area. Said amount shall be funded from the 2008-09 Budget of the Department of Economic Development.

Section 3. Ordinance No. 2008-192, relating to a planning charette for the Bull's Head neighborhood, is hereby amended by changing the name of the consultant from the Rochester Regional Design Center to Clark Patterson Lee.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1602
Re: High Falls Business Improvement District (BID)

Transmitted herewith for your approval is legislation approving the 2009-10 levy of \$25,000 for the High Falls Business Improvement District and continuing to apportion the costs among the properties within the district as was originally approved in the 2004-05 Budget.

By law, New York State municipalities are allowed to create Business Improvement Districts to impose an assessment on property owners for additional services.

The High Falls District Plan, adopted by Council in January 2004, outlines a description of the BID boundaries, the assessment formula used to determine each building owner share, and the \$25,000 budget to be used for additional clean-up, beautification, landscaping, marketing, advertising, and promotional materials.

The District Plan is on file in the City Clerk's Office.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-47

Local Improvement Ordinance No. 1602
(Int. No. 126)

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The budget for the 2009-10 fiscal year for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004.

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

By Councilmember McFadden
April 14, 2009

To the Council:

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

Int. No. 127 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For The Northeast Bridges To Wellness Project

Int. No. 128 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For Sports And Fitness Programs

Int. No. 129 - Authorizing An Agreement For Funding For The STOP DWI Program

Int. No. 131 - Authorizing An Application And Agreements For A Justice Assistance Local Formula Grant

Int. No. 134 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements

Int. No. 148 - Authorizing Amendatory Agreements For The Adolescent Pregnancy Prevention Services Program And Amending The 2008-09 Budget

Int. No. 149 - Establishing Maximum Compensation For An Agreement For The 175 Rochester MusicFest

The following entitled legislation is being held in Committee:

Int. No. 130 - Authorizing An Application And Agreement For Graffiti Sensors And Amending The 2008-09 Budget

Respectfully submitted,
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-125
Re: Agreement - Anthony L. Jordan
Health Center, Youth Voice, One
Vision

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the Anthony L.
Jordan Health Center for the receipt and use of a
\$13,418.75 grant, and amending the 2008-09
Budget of the Department of Recreation and
Youth Services by \$13,500 to reflect this grant.

The Jordan Health Center is initiating a new pro-
gram called Northeast Bridges to Wellness. The
grant will be used to enlist members of the City's
Youth Voice, One Vision (YVOV) program to
enhance resident involvement in community plan-
ning for health issues.

YVOV youth leaders will facilitate workshops on
community awareness initiatives, youth/adult
partnerships, Developmental Assets, and the *Step-
pin' Up To Solutions* project development process
for resident leaders of the Health Center's North-
east Bridges to Wellness project. YVOV will also
coordinate two community celebration events and
all wrap-up for the resident leaders.

Currently, YVOV has twelve youth officers and an
estimated eighty active youth members, ranging in
age from 10 to 18. Participants develop their own
goals and strategies, conduct meetings, elect offi-
cers, meet with community leaders and carry out
service learning projects. YVOV members often
participate as "youth experts" on local panels and
frequently participate in forums and events spon-
sored by partner agencies. Additional information
on the program is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-48

Ordinance No. 2009-125
(Int. No. 127)

**Authorizing A Grant Agreement And
Amending The 2008-09 Budget For The North-
east Bridges To Wellness 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 Anthony L. Jor-
dan Health Center for funding for Youth Voice,
One Vision as part of the Northeast Bridges to
Wellness Project.

Section 2. Ordinance No. 2008-198, the 2008-
09 Budget of the City of Rochester, as amended, is
hereby further amended by increasing the revenue
estimates and appropriations to the Department of
Recreation and Youth Services by the sum of
\$13,500, which amount is hereby appropriated
from funds received through the grant agreement
authorized herein.

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

Section 4. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-126
Re: Agreement - Greater Rochester
Health Foundation

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the Greater
Rochester Health Foundation for the receipt and
use of a \$10,000 grant, and amending the 2008-09
Budget of the Department of Recreation and
Youth Services to reflect this grant.

The award of this grant was anticipated and is
being used, in part, to reimburse costs incurred for
supplies, equipment, and transportation for Sum-
mer 2008 programs. A portion of the funds will
support Summer 2009 programming, including
lacrosse and fitness at the South Avenue Recrea-
tion center, golf at Ravenwood, and kayaking at
Genesee Waterways. Additional program infor-
mation is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-49

Ordinance No. 2009-126
(Int. No. 128)

**Authorizing A Grant Agreement And
Amending The 2008-09 Budget For Sports And
Fitness 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 Greater Rochester
Health Foundation for funding for summer sports
and fitness programs.

Section 2. Ordinance No. 2008-198, the 2008-
09 Budget of the City of Rochester, as amended, is
hereby further amended by increasing the revenue
estimates and appropriations to the Department of
Recreation and Youth Services by the sum of
\$10,000, which amount is hereby appropriated
from funds received through the grant agreement
authorized herein.

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

Section 4. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-127
Re: Agreement - Monroe County,
Stop DWI

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funds related to the 2009 Stop DWI Program. These are New York State Stop DWI funds administered by Monroe County. The award to the City for January 1 through December 31, 2009 is \$94,926.21.

These funds will be used for enhanced detection and enforcement of DWI offenses. No matching funds are required. The agreement was authorized by the Monroe County Legislature on February 3, 2009. As the renewal of funding was anticipated, the funds were included in the 2008-09 Budget of the Police Department.

These funds primarily reimburse expenses for overtime traffic enforcement patrols and a portion (\$9,000) is designated specifically for enforcement against underage alcohol sales. The agreement for the last round of funding of \$91,322.52 for calendar year 2008 was authorized by Ord. No. 2008-127 in June 2008. During 2008, the Rochester Police Department made 664 DWI arrests.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-127
(Int. No. 129)

Authorizing An Agreement For Funding For The 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 an agreement with the County of Monroe for funding under the 2009 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. 2009-128
Re: Agreement - US Department of
Justice, Recovery Justice Assistance
Local Formula Grant

Transmitted herewith for your approval is legislation related to a recent award resulting from the American Recovery and Reinvestment Act; this formula grant is new funding as part of the federal stimulus package and covers the period October 1, 2009 through September 30, 2013. This legislation will:

1. Authorize an agreement with the United States Department of Justice (USDOJ) for the application for, and receipt and use of a \$1,573,108 grant through the Recovery Justice Assistance Local Formula Grant (RJAG) program; and
2. Authorize agreements with the County of Monroe, and the Police Departments of the Towns of Gates, Greece, Brighton, Irondequoit and Webster for the distribution and use of funds under this program.

As administrator for the grant, the RPD is allowed 10%, or \$157,311, to cover administrative costs. The remaining funds will be allocated, through negotiated Memoranda of Understanding, to the County and the six participating towns for police programs. There is no match requirement for this grant.

As specified by the grant guidelines, eligible programs can be in the following areas: law enforcement, prosecutions and courts, prevention and education, corrections and community corrections, drug treatment/enforcement, planning, evaluation and technology improvement, and crime witness and victim assistance.

Legislative approval, community input, determination of specific allotments and uses of the funds, development of the MOU's with the partner agencies, and submission of the completed grant application to the USDOJ all must occur by May 18, 2009.

Once the City's total allocation is determined, a budget amendment will be submitted for Council approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-128
(Int. No.131)

Authorizing An Application And Agreements For A Justice Assistance Local Formula Grant

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Justice for funding under the Justice Assistance Local Formula Grant Program for October 1, 2009 through September 30, 2013.

Section 2. The Mayor is hereby further authorized to enter into agreements with the County of Monroe, and the Towns of Gates, Greece, Brighton, Irondequoit and Webster for sharing of the funding for police programs under the Justice Assistance Local Formula Grant Program. The amount of the funds shared with each Town shall depend upon the Federal allotment.

Section 3. There is hereby appropriated from Justice Assistance Local Formula Grant Program Funds the sum of \$1,573,108, or so much thereof as may be received under the Grant, to fund the Justice Assistance Local Formula Grant Program.

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. 2009-129
Re: Amendatory Agreement - LaBella Associates, Resident Project Representation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates for Resident Project Representation Services for Park and Recreation Center Improvements. The original agreement, authorized in August 2006, established maximum compensation at \$60,000; amendatory agreements authorized in April 2007 and March 2008 added \$50,000 and \$60,000 respectively.

The current request is for an additional amount of \$45,000, which will bring total maximum compensation to \$215,000 for these services over a period of August 2006 through June 2010. The additional cost will be financed from the proceeds of Bond Ordinance 2008-09.

The additional funds will be used for Resident Project Representation services for 2009 construction projects, which include:

- 1. Avenue D Recreation Center Courts
- 2. South Avenue Community Center Court
- 3. City-Wide Rehabilitation and Court Seal Coating Activity

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-129
(Int. No. 134)

Establishing Maximum Compensation For An Amendatory Professional Services Agree-

ment For Parks And Recreation Center Improvements

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

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for resident project representation services related to parks and recreation center improvements. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from Bond Ordinance No. 2008-109.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-130
Re: Amendatory Agreements - Adolescent Pregnancy Prevention Services Program

Transmitted herewith for your approval is legislation related to funding for the Adolescent Pregnancy Prevention Services (APPS) Program. This legislation will:

- 1. Authorize an agreement with the New York State Department of Health for the receipt and use of \$30,267 in additional funding for the APPS Program;
- 2. Amend the 2008-09 Budget of the Department of Recreation and Youth Services by \$11,600 to include a portion of these funds;
- 3. Authorize amendatory agreements with four of the service providers to increase their maximum compensation as summarized below:

<u>Agency</u>	<u>Increase</u>
Charles Settlement House	\$2,500
S.P.C.C.	\$5,000
YWCA	\$5,000
Baden Street	\$5,000

These agreements were initially authorized in March 2008; in November, New York State rescinded 6% of the authorized amount for APPS awards. The City was notified on March 25, 2009 that the Department of Health has authorized a cost of living adjustment (COLA) for the City's APPS Program, based upon a Congressional Budget Office calculation for state fiscal year 2008-09, resulting in an additional \$30,267.

This unanticipated revenue will restore some of

what had been cut in November; the remainder will support staff and youth service projects. The table below summarizes the funding history for the program:

Charles Settlement House	
Initially authorized	\$ 50,133
November 2008 cutback	1,161
NYS COLA March 2009	<u>2,500</u>
Final amount	\$ 51,472
Net change	\$ 1,339
P.R.Y.D.	
Initially authorized	\$ 21,267
November 2008 cutback	5,000
NYS COLA March 2009	<u>0</u>
Final amount	\$ 16,267
Net change	\$ (5,000)
Junior Achievement	
Initially authorized	\$ 3,400
November 2008 cutback	0
NYS COLA March 2009	<u>0</u>
Final amount	\$ 3,400
Net change	\$ 0
S.P.C.C.	
Initially authorized	\$ 95,000
November 2008 cutback	13,000
NYS COLA March 2009	<u>5,000</u>
Final amount	\$ 87,000
Net change	\$ (8,000)
YWCA	
Initially authorized	\$ 70,000
November 2008 cutback	1,161
NYS COLA March 2009	<u>5,000</u>
Final amount	\$ 73,839
Net change	\$ 3,839
Baden Street	
Initially authorized	\$ 50,000
November 2008 cutback	1,161
NYS COLA March 2009	<u>5,000</u>
Final amount	\$ 53,839
Net change	\$ 3,839
2008-09 Budget/DRYS	
Initially authorized	\$ 87,596
November 2008 cutback	1,161
NYS COLA March 2009	<u>12,767</u>
Final amount	\$ 99,202
Net change	\$ 11,606
Total	
Initially authorized	\$377,396
November 2008 cutback	22,644
NYS COLA March 2009	<u>30,267</u>
Final amount	\$385,019
Net change	\$ 7,623

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-130
(Int. No. 148)

Authorizing Amendatory Agreements For

The Adolescent Pregnancy Prevention Services Program And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory 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 amendatory agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$2,500
Society for the Protection & Care of Children (TAPSS)	\$5,000
Baden Street/Metro Council for Teen Potential	\$5,000
YWCA of Rochester & Monroe County	\$5,000

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

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$17,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services.

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

Section 5. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$11,600, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-131
Re: Agreement - NSUC Entertainment, LLC, Rochester MusicFest

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with NSUC Entertain-

ment, LLC (principal: Edward Strickland), 497 Chili Avenue, Rochester, NY, for booking national and regional artists and production for the 2009 Rochester MusicFest. The cost of this agreement will be financed from the 2008-09 (\$175,000) and 2009-10 (\$75,000) Budgets of the Bureau of Communications.

The festival this year will be known as the 175 Rochester MusicFest, and will be a featured summer event in recognition of the City's 175th Anniversary year-long celebration. The 175 Rochester MusicFest will be a free, ticketed event held on Saturday July 18, 2009 at Brown Square Park.

NSUC Entertainment, LLC will provide talent booking, logistical management, marketing, sponsorship solicitation, ticket distribution, vendor management and administration. The City will provide some in-kind services such as fencing and police services external to the festival site.

A request for proposals for a two-day festival was issued in November 2008 directly to event promoters in the Rochester area, and to promoters the City has worked with during the past four years. The RFP was also posted on the City's website. Responses were received from: Rochester Broadway Theatre League, Rochester International Jazz Festival, LLC, and The Springut Group, all Rochester firms, and from Lead Dog Marketing Group of NYC. An interdepartmental review committee evaluated proposals using the following criteria: relevant experience, references, cost, and key principals' commitment to the project.

Based on evaluations and cost for a two-day event, a subsequent appeal was made to the same promoters which requested proposals for a free single-day event with \$250,000 maximum compensation and with the proviso of actively seeking sponsorships. NSUC Entertainment had expressed interest in the revised request and submitted a proposal at that time. Others who expressed interest included the Rochester International Jazz Festival, LLC, and Lead Dog Marketing Group.

The Rochester International Jazz Festival, LLC, subsequently withdrew due to the workload for the upcoming Jazz Festival. After an administrative review of the proposals, NSUC Entertainment was selected based on the caliber of proposed entertainment and marketing plan in the Rochester community. NSUC Entertainment principal, Ed Strickland, has successfully promoted entertainment in the Rochester area for more than 20 years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-131
(Int. No. 149)

Establishing Maximum Compensation For An Agreement For The 175 Rochester MusicFest

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and NSUC Entertainment, LLC for talent booking, logistical management, marketing, sponsorship solicitation, ticket distribution, vendor management and administration for the 175 Rochester MusicFest. Of said amount, \$175,000 shall be funded from the 2008-09 Budget of the Bureau of Communications, and \$75,000 shall be funded from the 2009-10 Budget of the Bureau of Communications, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 130 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-132
Re: Agreement - Byrne Grant, Graffiti Sensors

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$25,000 grant under the Edward Byrne Memorial Justice Assistance Grant program, and amending the 2008-09 Budget of the Police Department by \$25,000 to reflect the grant. The grant term is from January 1, 2009 through June 30, 2010.

Grant funds will be used to purchase, install, and operate twenty graffiti sensors. These sound sensors will be placed in areas often defaced by graffiti. The devices are programmed to detect the sound signature of spray paint and alert police when that sound registers. This is a new grant and no local match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-132
(Int. No. 130)

Authorizing An Application And Agreement For Graffiti Sensors And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Edward Byrne Memorial Justice Assistance Grant Program for graffiti sensors.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$25,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember McFadden, Warren - 2.

The meeting was adjourned at 8:35 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MAY 12, 2009

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Richard Saltrelli
 - *William M. Sauers
 - John L. Steinberg
 - *John E. Thomas
- Fire Department
 - *Ronald Bianchi
- Police Department
 - *Ann Cohen
 - Eva Ramos

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Palumbo

RESOLVED, that the minutes of the Special Meeting of April 2, 2009 and the Regular Meeting of April 14, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
 - Notice Of Environmental Determination (2) 3958-09, 3959-09
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3960-09
 - Quarterly Reports 3961-09
 - Schedule of Revenues and Expenditures
 - Claims Reports
 - Delinquent Receivables
 - Public Auction 3962-09
 - Public Disclosure - HOME Participation 3963-09
 - Public Disclosure - CDBG Participation (2) 3964-09, 3965-09

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 Consolidated Community Development Plan/2009-10 Annual Action Plan, As Amended Int. No. 158 1 speaker: Julio Vazquez.

Authorizing An Amendatory 2008-09 Community Development Program Plan For The Homelessness Prevention And Rapid Re-Housing Program Int. No. 161 No speakers.

Approving The Sale By The Rochester Urban Renewal Agency Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project Int. No. 163 No speakers.

Changing The Zoning Classification Of 1452 Norton Street From R-1 Low Density Residential To C-2 Community Center Int. No. 164 No speakers.

Approving Increases In The Pavement Width Of Ashwood Drive, Fieldwood Drive And Master Street Int. No. 170 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimis Parcels And Temporary Easements For The East Henrietta Road Improvement Project Int. No. 182 No speakers.

Approving An Increase In The Pavement Width Of East Henrietta Road At Redfern Drive Int. No. 183 No speakers.

Changing The Traffic Flow Of Ft. Hill Terrace From One-Way Eastbound To Two-Way And Authorizing Closure Of Ft. Hill Terrace To Through Traffic At East Henrietta Road Int. No. 184 No speakers.

Amending The Official Map By Abandonment Of Portions Of Crittenden Boulevard And Authorizing Their Sale, As Amended Int. No. 186 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 172 No speakers.

Continuation Of Local Improvement Ordinance No. 1289 Relating To The Monroe Avenue Commercial Parking Lot Int. No. 173 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 174 No speakers.

Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Special Services Program Int. No. 175 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 176 No speakers.

Designating Montgomery Neighborhood Center, Inc. As Qualified And Eligible To Purchase And Redevelop 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project Int. No. URA-4 No speakers.

Approving The Sale Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project Int. No. URA-5 No speakers.

Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District Int. No. 185 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-133 and
Ordinance No. 2009-134
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 2008 data. The second is the calculation of the adjusted base proportions using 2008 and 2009 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4228828
Non-Homestead	<u>.5771172</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4210904
Non-Homestead	<u>.5789096</u>
Total	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	-4.6
Non-Homestead	+3.7

These calculations have been reviewed by the New York State Office of Real Property Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 15, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-133
(Int. No. 192)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2009 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 2009 assessment

roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	42.28828%	57.71172%
Current percentage	60.71700%	39.28300%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-134
(Int. No. 193)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2009 Assessment Roll

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2009 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4210904	.5789096
Taxable assessed value	3,457,049,238	2,260,964,043
Net change in assessed value from 2008 resulting from physical and quantity changes	+8,757,500	+60,500,438
Net change in assessed value from 2008 resulting from other than physical and quantity changes	-5,098,889	-12,025,850

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.

Councilmember McFadden moved to refer Int. No. 194 to the Public Safety & Recreation Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember McFadden moved to hold Int. No. 194 in Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 194
Re: Agreement - Hillside Work Scholarship Connection, Summer of Opportunity Program

Transmitted herewith for your approval is legislation establishing \$400,000 as maximum compensation for an agreement with Hillside Work Scholarship Connection (HWSC) for services in support of the 2009 Summer of Opportunity Program, and amending the 2008-09 Budget by transferring \$400,000 from the Police Department to the Department of Recreation and Youth Services to fund the agreement. These funds are available as a result of aggressive steps taken by the Police Department to both reduce overtime (an anticipated 46% reduction compared to 2007-08) and to stay within budget for 2008-09.

As you are aware, for the past three years, the Summer of Opportunity Program has received funding from New York State through the efforts of Senator Joe Robach. However, the State budget does not include these funds for the 2009 program, which severely limits the number of jobs that can be offered to City youth this year.

It is essential that City youth are provided experiences that will enhance sustained academic and employment success. The HWSC has an established record of significantly increasing graduation rates among City high school students. This agreement provides a unique opportunity to partner with the agency to provide early work experience for students in grades 8-10, as well as provide support to these students throughout their high school years.

Hillside's Work Scholarship Program traditionally offers two phases of service to qualifying students. In phase one, students are provided mentoring, tutoring, and job readiness training and other support services. Once students achieve the HWSC standard (93% school attendance, GPA of 2.0 or

greater, and a positive attitude), they become eligible for year round employment.

In order to coordinate with ongoing efforts by the City to increase youth job experience, Hillside has designed an additional step that provides an orientation to the long-term HWSC program. This orientation program will be made available to 150 Summer of Opportunity participants, and will include a paid work experience for eight weeks this summer, 25 hours of job readiness training during the summer, assignment to a youth advocate/mentor, and enrollment in the HWSC.

In order to participate in this program, students must have two or more of the following criteria, which are standard for enrollment in HWSC:

- Lives in a household at or below poverty levels
- Failing 2 or more core school subjects
- Has had school suspensions
- School attendance rate is 71-85%
- Over age for grade level
- Low standardized test scores (level 1 or 2)

Students completing the Summer of Opportunity HWSC orientation program will be enrolled full time in the HWSC Program and participate in the full range of services offered by the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 194

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT AND AMENDING THE 2008-09 BUDGET FOR THE SUMMER OF OPPORTUNITY 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 established as the compensation to be paid for a professional services agreement between the City and the Hillside Work Scholarship Connection for administration of the 2009 Summer of Opportunity Program. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$400,000 from the Rochester Police Department to the Department of Recreation and Youth Services to fund the Summer of Opportunity Program.

Section 3. This ordinance shall take effect immediately.

Held in Committee.

REPORTS OF STANDING COMMITTEES AND

ACTION THEREON

By Councilmember Conklin
May 12, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 150 - Approving Apportionment Of Taxes And Charges

Int. No. 151 - Cancellation Of Taxes And Charges

Int. No. 152 - Establishing Maximum Compensation For An Amendatory Agreement With The Rochester Philharmonic Orchestra

Int. No. 153 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Web Development Services

Int. No. 154 - Authorizing Grant Applications Under The American Recovery And Reinvestment Act

Int. No. 155 - Acceptance Of Library Grants And Amending The 2008-09 Budget

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For Audio-Visual Equipment

Int. No. 190 - Local Law Amending The City Charter With Respect To The Creation Of The Department Of Neighborhood And Business Development

Int. No. 191 - Establishing Maximum Compensation For A Professional Services Agreement For Office Relocation Management

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Lovely A. Warren (Did not vote on Int. Nos. 150 and 151)
Gladys Santiago (Did not vote on Int. Nos. 150 through 155)

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-135
Re: Apportionment of Taxes and Charges - Subdivided and Combined Properties

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 24 properties that have either been subdivided or combined in 2008-09. 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. These taxes and charges, which total \$103,866.08, 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 2009 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2009.

Specific information for each of these properties is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-50

Ordinance No. 2009-135
(Int. No. 150)

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 14, 2009, in accordance with the list which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-136
Re: Cancellation of Erroneous Charges

Transmitted herewith for your approval is legislation approving the cancellation of charges totaling \$1,156.18.

The property at 532 Lake Avenue requires a partial cancellation of delinquent refuse charges in the amount of \$1,156.18. The charges were attributed to a tenant, who vacated the building in December 2007; the owner did not request cancellation of refuse service. Upon notification from City refuse collectors that the building was vacant, the billing was transferred to the owner, who was then asked to comply with the City's cancellation procedure in April 2008. The owner failed to do so; the amount requested for cancellation is the amount that continued to be billed even though service had been discontinued. A delinquent refuse amount of \$1,063.68 remains on the tax roll for the property.

If this cancellation is approved, total cancellations

thus far for 2008-09 will be \$2,234,721.82.

	<u>Accounts</u>	<u>Amounts</u>
City Council	224	\$2,184,608.18
Administrative	137	<u>50,113.64</u>
Total	361	\$2,234,721.82

These cancellations represent .949% of the taxes receivable as of July 1, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-51

Ordinance No. 2009-136
(Int. No. 151)

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) Partial cancellation of Delinquent Refuse charges attributed to a former tenant. A Delinquent Refuse amount of \$1,063.68 remains on the tax roll for the property.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount</u>
<u>Address</u>	<u>Tax Year</u>	<u>Cancelled</u>
105.35-3-13	NH	
532 Lake Av	2009	<u>\$1,156.18</u>
Grand Total		\$1,156.18

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-137
Re: Amendatory Agreement - Rochester
Philharmonic Orchestra, Performance
Tent

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Philharmonic Orchestra to provide additional services related to a 2009 summer music series in downtown Rochester. This amendment will increase the original agreement, authorized in November 2008, by \$75,000 for total maximum compensation of \$150,000. The additional cost will be funded from the 2008-09 Budget of the Bureau of Communications.

The additional funds will partially support the purchase and installation of a summer performance venue consisting of a temporary modular structure, including roof and production support. Additional funding will be provided by the RPO, Rochester International Jazz Festival, and other sources. The tent, to be installed in the parking lot at 420 E. Main Street, will allow for the seating of approximately 2,000 persons.

These funds will also support a performance by the RPO for the City's 175th Anniversary Gala, scheduled for June 27, 2009. The structure will be in place for an eight-week period and will be available to the City for subsequent 175th Anniversary and sponsored events, as well as rental by other performance groups and festivals. The first anticipated use of the facility will be June 12-20, as a premier venue for the Xerox Rochester International Jazz Festival.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-137
(Int. No. 152)

Establishing Maximum Compensation For An Amendatory Agreement With The Rochester Philharmonic Orchestra

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 the Rochester Philharmonic Orchestra for a summer performance venue and a full orchestra public concert for the City's 175th Anniversary Gala. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-138
Re: Amendatory Agreement -
VanDamme Associates,
Website Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with VanDamme Associates, Pittsford, NY, for additional services related to the development and maintenance of the City's new website. The original agreement, authorized in August 2008, established maximum compensation of \$150,000 for the design and implementation of a new website for the City. This amendment will increase this amount by \$20,000 for a total of \$170,000. The additional cost will be funded from the 2008-09

Budget of the Information Technology Department.

The bulk of the design work has been completed, and the new site was launched on April 20, 2009. The additional funds will enable VanDamme Associates to continue to provide support and technical assistance to address any post-launch problems or adjustments that cannot be dealt with internally.

The term of this agreement will extend through May 15, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-138
(Int. No. 153)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Web Development Services

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with VanDamme Associates for web development services for the City's Website Redesign and Implementation Project. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-139
Re: Competitive Grant Applications -
American Recovery and
Reinvestment Act

Transmitted herewith for your approval is legislation authorizing grant applications for projects under the American Recovery and Reinvestment Act (ARRA). The ARRA is the largest single infusion of spending into the economy in American history. This legislation will accelerate the process by which the City applies for federal and state grants of stimulus funds, thereby increasing the City's ability to access these funds.

The City routinely monitors the funding opportunities that become available under the ARRA. The granting agencies frequently require City Council endorsement as part of the application. However, since the intent of the Act is to disburse funds to municipalities quickly, the application deadlines do not necessarily coincide with the regular Council cycles. Providing this "up front" approval will enable staff to respond to funding opportunities

more quickly.

Council will be regularly apprised of these grant applications. Upon approval of grant applications, Council approval to enter into the grant agreements and appropriate the grant funds will still be required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-139
(Int. No. 154)

Authorizing Grant Applications Under The American Recovery And Reinvestment Act

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

Section 1. The Mayor is hereby authorized to submit all necessary applications to Federal and State governments, agencies and authorities, for funding under the American Recovery and Reinvestment Act.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-140
Re: New York State Library Construction Grants, Central and Branch Library Renovation Projects

Transmitted herewith for your approval is legislation authorizing an agreement with the NY State Library, Division of Library Development for the receipt and use of Library Construction Grants totaling \$84,000; and amending the 2008-09 Budget (Library Cash Capital) to reflect the grant.

These funds will cover up to 50% of the costs for improvements to the Central (\$34,200) and Branch Libraries (\$49,800). Improvements will include: boiler replacements at the Winton and Arnett Branches; window replacements at the Charlotte and Maplewood Branches; new graffiti proof stalls and paint for the patron restrooms at Central Library; and climate controls and security systems to the preservation room at Central Library.

It is anticipated that work will be completed by

June 30, 2009.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2009-140
(Int. No. 155)

Acceptance Of Library Grants And Amending The 2008-09 Budget

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

Section 1. The Council hereby approves the acceptance of New York State Library Construction Grants for Central and Branch Library construction projects.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$84,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-141
Re: Agreement - The Presentation Source, Conference Room Upgrades

Transmitted herewith for your approval is legislation establishing \$85,000 as maximum compensation for an agreement with The Presentation Source, Pittsford, NY, for the purchase and installation of audio-visual equipment in three City Hall conference rooms. The cost of this agreement will be funded from 2008-09 Undistributed.

A request for proposal was issued directly to five firms, all of which participated in a site inspection and informational meeting held at City Hall on February 6, 2009. Proposals were received from The Presentation Source and from Audio-Video Corporation, Albany, NY. The Presentation Source was selected for the project based on their quoted price.

The Presentation Source will procure, integrate, and support the audio-visual, collaboration, and meeting support products as follows:

1. For City Hall Conference Room 309A: interactive whiteboard, auxiliary lighting system, new podium, tele-video-conferencing device, and media connection box
2. For City Hall Conference Room 208A: interactive whiteboard, new podium, and

- tele-video conferencing device
- 3. For City Hall Room 202A: interactive whiteboard installed
- 4. A digital projector and portable projection screen for use in City atrium and other facilities

The term of this agreement will be from May 15, 2009 to December 31, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-141
(Int. No. 156)

Establishing Maximum Compensation For A Professional Services Agreement For Audio-Visual Equipment

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

Section 1. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Presentation Source for the purchase and installation of audio-visual equipment in City conference rooms. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 4
Re: Amending the City Charter -
Department of Neighborhood
and Business Development

Transmitted herewith for your approval is legislation amending the City Charter to reflect the consolidation of certain administrative units into the new Department of Neighborhood and Business Development. This amendment will add the Department of Neighborhood and Business Development (NBD), remove references to the Departments of Economic Development and Community Development, and modify references to the Neighborhood Service Centers.

As you are aware, planning for the consolidation of DCD, EDD, and NSC has been in process for the past year, with the primary objectives of efficiency, cost savings, and improved customer service. The Department of Neighborhood and Business Development will continue to provide all of the services related to business and economic development; housing and neighborhood development; and comprehensive community planning, including zoning and code enforcement. Service

delivery will be enhanced through the use of quadrant-specific cross-functional teams. This model will better address the unique needs of each quadrant, as well as facilitate citizen input.

The attached legislation specifies the organizational structure of the new department, including the establishment of the bureaus of Business and Housing Development, Planning and Zoning, Neighborhood Preservation, and Inspection and Compliance Services. The legislation also describes functions of the department as well as the duties and responsibilities of the Commissioner and Bureau Directors.

It is anticipated that related amendments to the City Code will be necessary at a later date.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 4
(Int. No. 190)

Local Law Amending The City Charter With Respect To The Creation Of The Department Of Neighborhood And Business Development

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 consolidating the Department of Community Development, the Economic Development Department and the Neighborhood Services Center. Article X, Department of Community Development, Article XA, Economic Development Department, and Section 3-8.1, Neighborhood Services Center Director, are hereby repealed. A new Article X is hereby enacted to read in its entirety as follows:

Article X. Department of Neighborhood and Business Development.

Section 10-1. Department of Neighborhood and Business Development.

- A. The Department of Neighborhood and Business Development shall be responsible for the planning and development of physical programs for the neighborhoods. The Department's objectives shall be to bring together public and private resources to increase the supply of safe and sanitary housing for City residents, to encourage investment in the neighborhoods, to ensure the appropriate use and development of land within the City and to develop programs for the orderly provision of public improvements and facilities.
- B. The Department of Neighborhood and Business Development shall be responsible for preparing and coordinating projects and programs for the economic development of the City and the creation and retention of job op-

portunities for City residents. Such projects and programs shall promote and encourage the location and development of new business and industry in the City, as well as the maintenance and expansion of existing business and industry. The Department shall have primary responsibility for downtown development. The Department may provide for land acquisition, construction of capital improvements or disposition of land to achieve these goals. Federal, state and private sector assistance shall be utilized to the fullest extent possible for such projects and programs.

- C. The Department of Neighborhood and Business Development shall be responsible for developing and implementing programs aimed at arresting and correcting blight and deterioration in housing and other structures and property and shall inspect existing structures and property prior to the issuance of certificates of occupancy or letters of compliance, as may otherwise be directed by the Mayor.
- D. There shall be in the Department of Neighborhood and Business Development a Bureau of Business and Housing Development, a Bureau of Planning and Zoning, a Bureau of Neighborhood Preservation, a Bureau of Inspection and Compliance Services, and such other operating units as deemed necessary by the Commissioner and the Mayor for effective and efficient operation of the Department.

Section 10-2. Commissioner of Neighborhood and Business Development.

- A. The Commissioner of Neighborhood and Business Development shall be the head of the Department of Neighborhood and Business Development and shall be responsible to and report to the Mayor. The Commissioner shall appoint, with the approval of the Mayor, the heads of bureaus, divisions or other operating units that may be established. The Commissioner shall supervise and control the administration and provision of services by the several bureaus and operating units of the Department. The Commissioner shall also have such powers and duties as may be assigned by the Mayor or granted by law or ordinance.
- B. The Commissioner shall be responsible for preparing and submitting grant applications and assuring that federal and state assistance is utilized to the fullest extent possible in performing the responsibilities of the Department.
- C. The Commissioner shall be responsible for supervising and directing the enforcement of all laws and ordinances governing the maintenance, construction, use and occupancy of buildings, structures and property.
- D. The Commissioner shall have all the powers of the Commissioner of Environmental Services with respect to, and who with the Commissioner of Environmental Services shall be responsible for, supervising and directing the

enforcement of the Refuse and Sanitation Codes, the Anti-Litter Ordinance, and the Streets Code.

- E. The Commissioner shall establish and cause to be maintained a central index of violations issued by the Department. The Mayor may direct other departments to enter violations in this index.
- F. The Commissioner shall supervise and administer the licensing of electricians, plumbers, stationary engineers and refrigeration operators and shall conduct such other licensing activities as may be assigned by the Mayor or be granted by law or ordinance.

Section 10-3. Bureau of Business and Housing Development.

- A. There shall be a Bureau of Business and Housing Development, the head of which shall be the Director of Development Services. The Bureau shall be responsible for providing services necessary to the detailed planning and execution of business and housing development and redevelopment projects and programs undertaken by the Department. The Bureau shall promote and encourage the location and development of new business and industry in the City, as well as the maintenance and expansion of existing business and industry. The services of the Bureau shall include but shall not be limited to the provision of financial assistance to businesses, assisting in the relocation of businesses and families as may be required by property acquisition, managing City property not used for municipal purposes, conducting feasibility studies, providing real estate services and providing technical assistance necessary to maintain and increase the supply of safe and sanitary housing in the City for all income groups.
- B. The Director of Development Services shall manage or cause to be managed all real property owned by the City which is not used for municipal purposes, shall appraise or cause to be appraised the value of all real property which the Council determines to acquire or sell and, on behalf of the Mayor or Commissioner of Neighborhood and Business Development, shall be responsible for all matters relating to the acquisition and sale of such real property. The Director of Development Services shall also manage or cause to be managed the Community War Memorial, the Terminal Building at the Port of Rochester, the soccer stadium, the Centers at High Falls, and such other facilities as may be assigned by the Mayor or the Commissioner.
- C. The Director of Development Services shall provide for the demolition of structures when necessary, so that such structures are no longer threats to the health, welfare and safety of the residents of the City.
- D. The Director of Development Services shall

be responsible for the development of business and housing programs under the Community Development Block Grant and other federal and state programs and liaison with the Rochester Housing Authority and other housing corporations.

Section 10-4. Bureau of Planning and Zoning.

- A. There shall be a Bureau of Planning and Zoning, the head of which shall be the Director of Planning and Zoning.
- B. The Bureau of Planning and Zoning shall be responsible for the administration of the Zoning Code. The Bureau shall provide staff services to the Zoning Board of Appeals, the Planning Commission, the Preservation Board, the Rochester Environmental Commission and such other boards as may be established. The Director of Planning and Zoning shall have all powers necessary to the administration of the Zoning Code and shall, consistent with the expressed standards, purposes and intent of the Zoning Code, promulgate, adopt and issue such procedural rules, regulations and forms as are necessary and shall from time to time recommend revisions and modifications to the Zoning Code. In addition, the Director of Planning and Zoning may, upon written request, for good cause shown and without any notice or hearing, extend any time limit imposed on an applicant or permittee by the Zoning Code of the City of Rochester or, unless the resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to said ordinance for a period not to exceed the length of the original period. The Director of Planning and Zoning may delegate these responsibilities necessary to the administration of the Zoning Code to the Manager of Zoning, or said responsibilities may be assigned to the Manager of Zoning in the Zoning Code.
- C. The Bureau of Planning and Zoning shall assist the Planning Commission by conducting studies, performing reviews and making recommendations on matters before the Commission and shall provide such other general assistance as the Planning Commission may require in the discharge of its duties.
- D. The Director of Planning and Zoning shall have authority to permit minor adjustments or modifications to final plans for planned developments and cluster developments, and subject to the procedures, standards and limitations of the Zoning Code, the Director shall have the authority to issue administrative adjustments for variation of not more than 10% any numerical standard set forth in the Zoning Code, for five or fewer spaces for an alternative parking plan and for a minor parking area.
- E. The Director of Planning and Zoning shall have the authority to review and approve, approve with conditions or deny applications for site plan review, subject to the right of appeal

of such decision to the City Planning Commission.

- F. The Director of Planning and Zoning shall have the authority to issue Certificates of Non-Conformity, subject to the right of appeal of such decision to the Zoning Board of Appeals.
- G. The Director of Planning and Zoning shall have the authority to issue Certificates of Appropriateness for applications that conform to the preservation guidelines adopted by the Preservation Board.
- H. The Bureau of Planning and Zoning shall be responsible for reviewing plans and issuing permits pursuant to the Building Code for new construction, alterations and demolitions.
- I. The Bureau of Planning and Zoning shall conduct and coordinate the City's physical, environmental and transportation planning. The Director of Planning and Zoning shall undertake studies of the physical, economic and social factors relevant to the well-being of the City. The Director shall be responsible for preparing and maintaining a Comprehensive Development Plan for the City; reviewing the conformity of municipal and private proposals to the City's development objectives; collecting, cataloging and analyzing data on demographic, economic and physical characteristics of the City; and coordinating the City's planning programs with those of the Genesee/Finger Lakes Regional Planning Council, the Monroe County Department of Planning and the Genesee Transportation Council.
- J. The Bureau of Planning and Zoning shall also be responsible for planning and coordinating projects and programs for the conservation and revitalization of the City's neighborhoods in accordance with the Comprehensive Development Plan.

Section 10-5. Bureau of Neighborhood Preservation.

The Bureau of Neighborhood Preservation shall be responsible for the operation and management of the Neighborhood Service Centers. The Bureau shall facilitate resolution of neighborhood complaints, reduce nuisance activities, provide technical assistance in community organizing, plan and implement special projects, monitor City-owned vacant structures, issue Business Permits, enforce the provisions of the Property Conservation Code, Zoning Code, Refuse and Sanitation Codes, the Anti-Litter Ordinance and the Streets Code, and promote crime prevention activities.

Section 10-6. Bureau of Inspection and Compliance Services

- A. There shall be a Bureau of Inspection and Compliance Services, the head of which shall be the Director of Inspection and Compliance Services. The Director shall issue Certificates of Occupancy and Certificates of Compliance

for new and existing structures and property.

- B. The Bureau shall enforce or cause to be enforced all laws and ordinances relating to new construction and alterations and the maintenance, construction, use and occupancy of buildings, structures and property, as directed by the Commissioner or the Mayor or by law or ordinance.
- C. The Bureau, together with the Commissioner of Environmental Services, shall enforce or cause to be enforced the Refuse and Sanitation Codes, the Anti-Litter Ordinance, and the Streets Code.
- D. The Bureau shall conduct inspections for new construction and alterations for conformance with plans and shall perform property maintenance inspections of existing buildings and property.
- E. The Director of Inspection and Compliance Services shall have all powers necessary to administer the issuance of Certificates of Occupancy, Certificates of Compliance and any and all enforcement associated with the laws and ordinances enforced by the Bureau and shall, consistent with the expressed standards and purposes and intent of the applicable codes, promulgate, adopt and issue procedural rules and forms as are necessary and shall from time to time recommend revisions and modifications to the Building Code, Property Conservation Code, Plumbing Code, Electrical Code, and the Elevator Code.

Section 10-7. Inspections.

The Commissioner of Neighborhood and Business Development shall have the power, either personally or through a duly authorized member of his or her staff, to enter and inspect all buildings, structures and property within the City in order to ensure compliance with the various laws and ordinances enforced by the Department and to seek warrants where such are constitutionally required.

Section 10-8. Issuance of appearance tickets.

State Certified Code Enforcement Officers in the Bureau of Inspection and Compliance Services or the Neighborhood Service Centers may issue appearance tickets returnable in the Municipal Code Violations Bureau for violations of the Anti-Litter and Snow Ordinances, Streets Code, Refuse and Sanitation Codes, Property Conservation Code, Zoning Code, Fire Prevention Code, Building Code, Electrical Code, Elevator Code, and Plumbing Code and any other laws and ordinances enforced by the Department of Neighborhood and Business Development over which the Municipal Code Violations Bureau has jurisdiction. Neighborhood Service Centers Administrators are further authorized to issue appearance tickets for violations of the Noise Code.

Section 10-9. Enforcement of Code violations.

In addition to any other remedies provided by law or ordinance, any person who, having been served with a notice or order to correct or remove any violation of the New York State Uniform Fire Prevention and Building Code, Property Conservation Code, Building Code, Electrical Code, Elevator Code, Refuse and Sanitation Codes, Plumbing Code, Fire Prevention Code, Zoning Code and Anti-Litter Ordinance of the City of Rochester, or any other code enforced by the Commissioner of Neighborhood and Business Development, or any nuisance, fails to comply therewith within the time fixed by the Commissioner of Neighborhood and Business Development or the Fire Marshal shall be subject to a penalty not to exceed \$250 per violation to be assessed by the Commissioner of Neighborhood and Business Development after the person has been given an opportunity to appear at a hearing on such violations. Every day of each violation beyond the time fixed to correct or remove the violation may be held to constitute a separate violation. Notice of the hearing shall be served personally or shall be sent to the person by certified mail to the address filed by said person with the Department of Neighborhood and Business Development or the City Treasurer's office, and if such address is not so filed in the Department or the City Treasurer's office, then the notice shall be sent by registered or certified mail to the person's last known address or place of residence. The person shall be permitted to be represented by counsel at the hearing, to submit evidence and witnesses on his or her or their behalf, to examine opposing evidence and to cross-examine opposing witnesses. The Commissioner may appoint a hearing officer to conduct the hearing and make recommendations concerning said violations. The burden of proving the violations shall be upon the Department. Compliance with the technical rules of evidence shall not be required. The procedures set forth in this subsection shall be applicable to properties with life- or safety-threatening violations, as reasonably determined by the Commissioner; as well as two or more properties having at least one common owner, principal or partner, provided that each property has violations and at least one such property has violations that may pose a threat to life or safety as reasonably determined by the Commissioner. The Commissioner shall notify a person of any penalties imposed after a hearing and the reasons therefor, which notice shall be served upon the person or sent in the same manner as required above for a notice of hearing. If the penalties imposed are not paid within 60 days of the date of the notice of penalty, they shall be considered delinquent, shall create a debt and personal obligation in favor of the City and against the person, shall constitute a lien against the subject property, shall be subject to the late payment charges set forth in § 6-93 of the City Charter and may be rebilled periodically until paid or added to taxes. Such delinquent penalties may be added to the tax bill for the subject property in accordance with § 6-94 of the City Charter.

Section 10-10. Business Improvement Districts.

Business Improvement Districts may be established or extended in the City pursuant to the

provisions of Article 19-A of the General Municipal Law.

Section 10-11. Affordable housing.

A. Findings and purpose.

By Resolution No. 93-19, the City Council adopted a comprehensive housing policy for the City of Rochester, which included, among other things, the promotion and facilitation of affordable housing for individuals and families of low and moderate income. The Council hereby finds that there is a deficiency of such affordable housing, which deficiency is a serious detriment to the economic and social health, safety and well-being of the residents and neighborhoods of the City. The Council, therefore, hereby declares the development of such affordable housing to be a municipal and public purpose which shall be undertaken within the policy established by Resolution No. 93-19.

B. Authorization.

The City, acting through the Commissioner of Neighborhood and Business Development, with the approval of the Mayor, is hereby authorized to develop and implement affordable housing programs by, among other things:

- (1) Making grants to owners or purchasers of blighted houses who are persons or families of low or moderate income in order to rehabilitate such houses for purposes of occupancy by such owner or purchaser as his or her or their principal residence and making below market rate loans to owners or purchasers of blighted houses in order to rehabilitate such houses, with the use of any such grant or loan limited to bringing a house into compliance with all applicable laws and regulations, or to reconstruction in order to improve habitability of a blighted house, or to prolong the useful life of a blighted house.
- (2) Permitting the acquisition of blighted houses and their rehabilitation by one or more public or quasi-public authorities or entities for resale to a person or family of low or moderate income for use as such person's or family's principal residence.
- (3) Demolishing blighted houses, acquiring the resulting vacant lots and constructing houses for sale to a person or family of low or moderate income for use as such person's or family's principal residence.
- (4) Making grants for down payments and closing costs and below market rate mortgage loans to a person or family of low or moderate income to purchase a house to be used as such person's or family's principal residence.

- (5) Promoting and facilitating decent rental housing for those who do not desire to or cannot afford to purchase a home.

C. General.

- (1) The Commissioner of Neighborhood and Business Development shall establish rules and regulations to implement affordable housing programs with the aim of ensuring the use of available funds for affordable housing program purposes and not for private gain.
- (2) The City may incur indebtedness and appropriate general funds to accomplish the purposes of the City's affordable housing programs.

D. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING PROGRAMS - Programs designed to make ownership or rental of a home or dwelling unit, and assistance for improvements to homes, available to persons of low or moderate income.

BLIGHTED - One or more of the following conditions of a house: boarded, fire damaged, vandalized, structurally damaged, major systems substantially impaired, numerous substantial building and property code violations, obsolescent or any similar condition, the effect of which is to adversely affect the aesthetic or economic environment of the immediate neighborhood.

HOUSE or HOME - Any building containing one or more dwelling units.

LOW AND MODERATE INCOME - Gross annual income less than 120% of median income for household size in the Rochester Metropolitan Statistical Area.

Section 2. Section 2-3 of the City Charter, Administrative Departments, as amended, is hereby further amended by amending the first sentence thereof to read in its entirety as follows:

The administrative departments of the City shall be a Department of Finance, a Police Department, a Fire Department, an Emergency Communications Department, an Information Technology Department, an Office of Management and Budget, a Department of Law, a Department of Neighborhood and Business Development, a Department of Environmental Services and a Department of Recreation and Youth Services.

Section 3. Section 2-18 of the City Charter, Code of Ethics, as amended, is hereby further amended by deleting the following titles from the chart contained in subsection G(1) therein:

NET Director
NET Administrator

NET Code Coordinator
 Commissioner of Community Development
 Deputy Commissioner of Community Development
 Director of Planning
 Director of Zoning
 Supervising City Planner/Zoning
 Manager of Housing
 Manager/Plan Review/Building Inspection
 Director of Development Services
 Director of Real Estate
 Manager of Technical Services
 Manager of Contract Services
 Commissioner of Economic Development
 Deputy Commissioner/Economic Development Department
 Manager of Business Development
 Manager of Downtown Development

Section 4. Section 2-18 of the City Charter, Code of Ethics, as amended, is hereby further amended by adding the following titles to the chart contained in subsection G(1) therein after the title "Purchasing Agent":

Commissioner of Neighborhood and Business Development
 Neighborhood Service Centers Administrator
 Director of Development Services
 Director of Planning and Zoning
 Director of Inspection and Compliance Services
 Director of Planning
 Manager of Zoning
 Manager of Housing
 Manager/Plan Review/Building Inspection
 Director of Real Estate
 Manager of Business Development
 Manager of Downtown Development
 Manager of Small Market Development
 Principal Staff Assistant/Department of Neighborhood and Business Development

Section 5. Section 11A-1 of the City Charter, Department of Recreation and Youth Services, as amended, is hereby further amended by deleting the words "the Community War Memorial" where they are contained therein.

Section 6. This local law shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2009-142
 Re: Agreement - Vargas Associates, Inc., Management of Office Relocations

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum compensation for an agreement with Vargas Associates, Inc. to provide professional management of the planned relocation of various City offices and functions. The cost of the agreement will be funded from the 2008-09 Undistributed appropriation of the operating budget.

It is anticipated that the Mayor's 2009-10 budget proposal will recommend and/or necessitate the relocation of certain City offices and functions to improve operational efficiency and effectiveness. Notable among the recommendations anticipated is the previously announced merger of the departments of Economic and Community Development and the Neighborhood Service Centers. In order to ensure that the moves will be conducted in a secure, coordinated, and timely manner, the Administration recommends engaging the services of an experienced relocation management specialist.

Vargas Associates, Inc., a certified woman-owned business enterprise, has provided such services to the City in the past and is recommended based upon its performance on prior relocation projects for the City. Prior projects include the move of the NET Area C office, the consolidation of Police section offices into the East Side-West Side configuration, and the move-in of the City Public Safety Building by Police, Fire, and Information Technology offices. Most recently, Council authorized a 2008 agreement with the firm for assistance with the moves of the Police Professional Standards and Professional Development sections, Pathways to Peace, Training and Safety, the Recreation Stockroom, the Office of Employment Opportunity, and the realignment of six NET offices into four NSC locations.

Vargas Associates, Inc. will assist in planning, scheduling, budgeting, coordinating, overseeing, facilitating communication among stakeholders, and documenting all elements of the moves.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2009-142
 (Int. No. 191)

Establishing Maximum Compensation For A Professional Services Agreement For Office Relocation Management

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

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vargas Associates, Inc. for management of the relocation of City offices and functions. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
 May 12, 2009

To the Council:
 The Neighborhood & Community Development

Committee recommends for adoption the following entitled legislation:

Int. No. 157 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

Int. No. 162 - Authorizing The Sale Of Real Estate

Int. No. 110 - Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program, As Amended

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

Int. No. 158 - Approving The Consolidated Community Development Plan/2009-10 Annual Action Plan, As Amended

Int. No. 159 - Authorizing Submission Of The Consolidated Community Development Plan/2009-10 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 160 - Appropriation Of Funds For The City Development Fund

Int. No. 161 - Authorizing An Amendatory 2008-09 Community Development Program Plan For The Homelessness Prevention And Rapid Re-Housing Program

Int. No. 163 - Approving The Sale By The Rochester Urban Renewal Agency Of 12-12.5 Cady Street And 49-49.5 And 51 Dr. Samuel McCree Way In The Third Ward Urban Renewal Project

Int. No. 164 - Changing The Zoning Classification Of 1452 Norton Street From R-1 Low Density Residential To C-2 Community Center

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-143
Re: Amendatory Agreement - Ingalls
Planning & Design, Jefferson
Avenue Revitalization Plan

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with

Ingalls Planning & Design (Principal, Matt Ingalls), for continued services related to the Jefferson Avenue Revitalization Plan. This amendment will increase maximum compensation by \$6,300 and extend the term of the agreement from June 30 to July 31, 2009. The additional cost will be funded from the 2008-09 Budget of the Department of Community Development.

The original agreement, authorized in May 2008, established maximum compensation of \$20,000; an amendment in February 2009 increased this amount by \$2,400. The amendment requested herein will bring total compensation to a maximum of \$28,700. Ingalls Planning & Design has provided services for the visioning and design phases of the project, and is currently working on the economic analysis phase and final action plan for Jefferson Avenue that will guide continuing development.

Additional work will include completion of a concept plan for Jefferson Avenue, from Flint Street south to South Plymouth Avenue, and from Champlain Street north to West Main Street. This plan is needed in order to quickly coordinate with the use of approximately \$1,500,000 in combined federal stimulus and omnibus funds to be used for streetscape enhancements to Jefferson Avenue. A concept plan for the entire length of Jefferson Avenue from South Plymouth Avenue to West Main Street will assist the City to establish an enhanced gateway with visual continuity through the Jefferson Avenue Revitalization Area and the Jefferson Avenue Focused Investment Strategy areas.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-143
(Int. No. 157)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

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

Section 1. The sum of \$6,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Ingalls Planning and Design for planning services for the Jefferson Avenue Revitalization Project. Said amount shall be funded from the 2008-09 Budget of the Community Development Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-144 and
Ordinance No. 2009-150
Re: Sale of City-Owned and Rochester
Urban Renewal Agency-Owned
Real Estate

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

The first property is being sold at appraised value.
The purchaser is planning to rehabilitate the struc-
ture and market the renovated property to owner-
occupants.

The next property is being sold at appraised value
via a Request for Proposal Sale. The buyer plans
to renovate the commercial space into a restaurant
and rehabilitate the four apartments.

The last three properties are vacant lots owned by
the Rochester Urban Renewal Agency. The lots
were acquired between 1975 and 1976 for the
Third Ward Urban Renewal District. Since 1978,
these lots have been leased to Montgomery Neigh-
borhood Center Inc. for parking and green space
associated with their adjoining facility at 10 Cady
Street. Montgomery Neighborhood Center will
combine the lots with their adjoining property, and
construct a wheelchair ramp to provide improved
accessibility to their building.

The first year projected tax revenue for these five
properties, assuming full taxation, current assessed
valuations and current tax rates, is estimated to be
\$2,080.

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

A public hearing is required for the sale of the
RURA parcels.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-52

Ordinance No. 2009-144
(Int. No. 162)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the
negotiated sale of the following parcel of im-
proved property:

Address: 60 Tacoma St
S.B.L.#: 105.27-1-37
Lot size: 50x156
Price: \$5,000
Purchaser: *NCS Community Development
Corp.

* Principals: Frank Cornier, President; Fran-
ces Visconte, Chair-Board of Directors;
Karyn Herman, Treasurer; Joel Kunkler, Sec-
retary

Section 2. The Council hereby approves the
request for proposal sale of the following parcel of
improved property:

Address: 227 Genesee St
S.B.L.#: 120.58-3-8
Lot size: 33x80
Price: \$3,000
Purchaser: *California Properties, LLC

* Principal: Jess Peters, President/Sole Pro-
prietor

Section 3. City taxes and other City charges,
except water charges, against said properties are
hereby canceled up to the first day of the month
following the date of adoption of this ordinance
for the reason that the City has agreed to convey
said properties free of City tax liens and other
charges.

Section 4. This ordinance shall take effect
immediately.

Passed unanimously.

Ordinance No. 2009-150
(Int. No. 163)

**Approving The Sale By The Rochester Ur-
ban Renewal Agency Of 12-12.5 Cady Street
And 49-49.5 And 51 Dr. Samuel McCree Way
In The Third Ward Urban Renewal Project**

WHEREAS, the Rochester Urban Renewal
Agency (hereinafter called "Agency") has received
a proposal from Montgomery Neighborhood Cen-
ter, Inc. (hereinafter called "Redeveloper") for the
purchase and redevelopment of 12-12.5 Cady
Street and 49-49.5 and 51 Dr. Samuel McCree
Way in the Third Ward Urban Renewal Project
(hereinafter called "Parcel"), to make improve-
ments to its main facility on an adjacent parcel at
10 Cady Street; and

WHEREAS, a disposition price of \$700 has
been established for 12-12.5 Cady Street and
\$2,600 for 49-49.5 and 51 Dr. Samuel McCree
Way; and

WHEREAS, the City Council, pursuant to
Article 15 of the General Municipal Law, has held
a public hearing on May 12, 2009 to consider the

proposed disposition of said Parcels by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Parcels by the Redeveloper and the terms of the disposition of said Parcels are satisfactory.
3. That disposition of said Parcels by negotiation is the appropriate method of making the Parcels available for redevelopment.
4. That the Redeveloper possesses the qualifications and financial resources necessary to purchase and develop the Parcels in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory.
5. That the proposed disposition prices are satisfactory prices for the Parcels for use in accordance with the Urban Renewal Plan.
6. That the proposed disposition complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.
7. That the sale of said Parcels and conditions established for redevelopment are satisfactory.

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcels and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the Parcels.

Section 2. The Council hereby approves the method and disposition of said Parcels by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the disposition of said Parcels by the Agency for the proposed prices in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 110 was introduced April 14, 2009 and appears in its original form with its transmittal letter on page 116 of the current Council Proceedings.

Attachment No. AI-53

Ordinance No. 2009-145
(Int. No. 110, As Amended)

Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2007-08 Community Development Program the sum of \$1,000,000 and from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$500,000, or so much thereof as may be necessary, to fund the Focused Investment Strategy Exterior and Security Rehabilitation Program.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with NCS Community Development Corporation, Inc. to administer the Focused Investment Strategy Exterior and Security Rehabilitation Program in an amount not to exceed \$750,000, which shall be funded from the appropriations made in Section 1.

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.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-146,
Ordinance No. 2009-147 and
Ordinance No. 2009-148

Re: Consolidated Community
Development Plan/2009-10
Draft Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Program/2009-10 Draft Annual Action Plan. This legislation will:

1. Approve the 2009-10 Draft Annual Action Plan, which describes resources to be utilized, activities to be implemented, as well as other actions to be carried out;
2. Authorize the submission of the plan to the U. S. Department of Housing and Urban Development and the execution of any grant agreements; and

3. Approve the appropriation and use of \$702,964 in Urban Development Action Grant principal and interest repayments projected to be available in the 2009-10 program year for the City Development Fund.

The Consolidated Community Development Plan identifies the City's overall housing and community development needs and outlines a strategy to address those needs. It describes housing and homeless needs and market conditions; sets forth a strategy that establishes priorities; identifies federal and other resources anticipated being available; and outlines the proposed use of those resources. The Plan brings together, in one consolidated submission, the planning and application requirements for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Down Payment Initiatives (ADDI), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

For Program Year 2009-10 (July 1, 2009 - June 30, 2010), the Action Plan describes resources to be utilized, activities to be implemented, as well as other actions to be carried out. Available revenue to fund the plan is estimated at \$15,172,352. Of this amount, \$13,764,234 represents new federal grants and \$1,408,118 represents the anticipated receipt of loan and interest repayments on prior year Urban Development Action Grant and other program income. Spending by goal is summarized below:

<u>Goal</u>	<u>Amount</u>	<u>Percent of Total</u>
Promote Economic Stability	\$ 1,689,271	11
Improve the Housing Stock	11,204,942	74
General Community Needs	1,306,039	9
Other		
	<u>972,100</u>	<u>6</u>
Total	\$15,172,352	100

City Council approval of the Annual Action Plan is required by HUD, and approval of the Development Fund is required by Resolution 83-26 adopted in May 1983.

A public hearing on the plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-146
(Int. No. 158, As Amended)

Approving The Consolidated Community Development Plan/2009-10 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2009-10 Annual Action Plan to be financed with \$[15,172,352] 15,655,609 available to the City of Rochester from the Community Development

Block Grant, HOME Program, American Dream Down Payment Initiative, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the City's Community Development Program has been recognized for best practices, receiving the U.S. Department of Housing and Urban Development - Buffalo Office Meritorious Award in 2006, eight John J. Gunther Blue Ribbon Best Practices in Community Development from the U.S. Department of Housing and Urban Development in 1998 and a U.S. Department of Housing and Urban Development Secretary's Award for National Excellence in 1986; and

WHEREAS, the proposed plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the proposed plan was published in the legal section of the Democrat and Chronicle on April 9, 2009 and notice of the amended amounts has also been published and disseminated prior to the public hearing held on May 12, 2009; and

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by May 12, 2009; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2009-10 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations;

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

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2009-10 Annual Action Plan, as amended by allocating an additional \$92,793 in funding to the Promoting Economic Stability allocation and an additional \$390,464 to the Rental Housing Fund in the Housing Development Fund of the Improving the Housing Stock and General Property Conditions allocation. The Draft Consolidated Community Development Plan/2009-10 Annual Action Plan is further amended to correct an erroneous funding allocation by allocating the sum of \$1,956,440 to the Rental Housing Fund in the Housing Development Fund of the Improving the Housing Stock and General Property Conditions allocation, instead of the Rehab Rochester Program.

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-147
(Int. No. 159)

Authorizing Submission Of The Consolidated Community Development Plan/2009-10 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

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

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2009-10 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to provide any such information that may be required and execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-148
(Int. No. 160)

Appropriation Of Funds For The City Development Fund

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

Section 1. As part of the Consolidated Community Development Plan/2009-10 Annual Action Plan, the Council hereby appropriates the sum of \$702,964 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-149
Re: Amending the Consolidated
Community Development Plan,
Homelessness Prevention and
Rapid Re-housing Program (ARRA)

Transmitted herewith for your approval is legislation related to funding anticipated under Title XII of the American Recovery and Reinvestment Act of 2009. This legislation will:

1. Authorize an agreement with the US Department of Housing and Urban Development for the receipt and use of \$3,954,235 in Homelessness Prevention and Rapid Re-housing (HPRP) funds;
2. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to reflect the receipt and use of said funds; and
3. Authorize the submission of the amendment to the Plan to HUD.

HPRP funding is to be used to either prevent individuals and families from becoming homeless, or to help those who are homeless to be quickly rehoused and stabilized. Eligible activities include:

- Financial assistance, including short- and medium-term rental assistance, security and utility deposits, utility payments, moving cost assistance, and motel and hotel vouchers.
- Housing relocation and stabilization services, including case management, outreach, housing search and placement, legal services, mediation, and credit repair.
- Data collection and evaluation, including costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.
- Up to 5% of Administration costs will be covered.

In order to receive the funds, eligible agencies must submit a substantial amendment to the Consolidated Plan 2008 Action Plan, incorporating how the funds will be used and distributed. Coordination with the local Continuum of Care and service providers is encouraged; the City is working with the County of Monroe, the local Continuum of Care, the United Way, and other stakeholders. In an effort to maximize funding for the community, a joint process will be developed to determine the specific services and service providers to fund.

Currently, it is estimated that funds will be allocated as follows:

Homelessness Prevention	
Financial assistance	\$843,421
Relocation/stabilization	\$843,420
Rapid Re-housing	
Financial assistance	\$618,508
Relocation/stabilization	\$1,443,186
Total Amount	
Financial assistance	\$1,461,929
Relocation/stabilization	2,286,606
Data collection	8,000
Administration	197,700
Total	\$3,954,235

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-149
(Int. No. 161)

Authorizing An Amendatory 2008-09 Community Development Program Plan For The Homelessness Prevention And Rapid Re-Housing Program

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

Section 1. The Council hereby approves a substantial amendment to the 2008-09 Community Development Program Plan to enable the City to receive and administer Homelessness Prevention and Rapid Re-Housing Program funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 2. The Mayor is hereby authorized to submit the substantial amendment and enter into all necessary agreements to enable the City to receive and administer Homeless Prevention and Rapid Re-Housing Program funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-150 appears with its transmittal letter and companion legislation on page 148.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-151
Re: Zoning Map Amendment - Rezoning
1452 Norton Street from R-1 Low
Density Residential to C-2 Community
Center District

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 1452 Norton Street from R-1 Low Density Residential to C-2 Community Center District. The rezoning is being requested by the owner of Chaskun Auto Sales in order to facilitate expansion of the existing auto repair and sales operation at 1196 Portland Avenue.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. The Director of Zoning, as lead agency, has issued a negative declaration.

The Planning Commission held an informational hearing on March 16, 2009. There were no speakers in support or in opposition to the proposed rezoning. By a vote of 4-0-0, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-54

Ordinance No. 2009-151
(Int. No. 164)

Changing The Zoning Classification Of 1452 Norton Street From R-1 Low Density Residential To C-2 Community Center

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 1452 Norton Street, from R-1 Low Density Residential to C-2 Community Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 39, Township 14, Range 7 and more particularly bounded and described as follows: Beginning at a point on the northerly ROW line of Norton Street (66' ROW) at the southwest corner of Lot 42 of the August & Catherine Bachmann Subdivision, as filed in the Monroe County Clerk's Office in Liber 53 of Maps, Page 2, said corner being the Point or Place of Beginning; thence

- 1) Northerly, along the west line of said Lot 42, a distance of 110.0 feet to the northwest corner thereof; thence
- 2) Easterly, along the north line of said Lot 42, a distance of 26.12 feet to the southeast corner of Lot 1 of said subdivision; thence

- 3) Northerly, along the east line of said Lot 1, a distance of 40.0 feet to the northwest corner of Lot 43 of said subdivision; thence
- 4) Easterly, along the north line of Lot 43 & 44 of said subdivision, a distance of 93.95 feet to the northeast corner of said Lot 44; thence
- 5) Southerly, along the east line of said Lot 44 and its projection, a distance of 183 feet, more or less, to the centerline of said Norton Street; thence
- 6) Westerly, along said centerline, a distance of 120 feet, more or less, to the southerly projection of said west line of Lot 42; thence
- 7) Northerly, along said projection, a distance of 33.0 feet, more or less, to the said southwest corner of Lot 42, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
May 12, 2009

To the Council:

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

Int. No. 165 - Amending Ordinance No. 2009-15, Relating To A Marina Market And Feasibility Study

Int. No. 166 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 167 - Authorizing A Municipal Cooperation Agreement For South Clinton Avenue Improvements

Int. No. 169 - Establishing Maximum Compensation For A Professional Services Agreement For The Bridge And Structural Maintenance Project, As Amended

Int. No. 187 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvement And ARTWalk2 Enhancement Projects And Appropriating Funds

Int. No. 188 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$197,000 Bonds Of Said City To Finance The Construction Of A Connector Street Between Emerson Street And Locust Street

Int. No. 189 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Riverside

Convention Center Roof Replacement Project

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

Int. No. 170 - Approving Increases In The Pavement Width Of Ashwood Drive, Fieldwood Drive And Master Street

Int. No. 182 - Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimis Parcels And Temporary Easements For The East Henrietta Road Improvement Project, As Amended

Int. No. 183 - Approving An Increase In The Pavement Width Of East Henrietta Road At Redfern Drive

Int. No. 184 - Changing The Traffic Flow Of Ft. Hill Terrace From One-Way Eastbound To Two-Way And Authorizing Closure Of Ft. Hill Terrace To Through Traffic At East Henrietta Road

Int. No. 186 - Amending The Official Map By Abandonment Of Portions Of Crittenden Boulevard And Authorizing Their Sale, As Amended

The following entitled legislation is being held in Committee:

Int. No. 168 - Establishing Maximum Compensation For A Professional Services Agreement For Consulting Services

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-152
Re: Amending Ordinance No. 2009-15 - Port Marina Design

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-15 which authorized an agreement with Abonmarche, Benton Harbor, Michigan for services related to the design and construction of the Port of Rochester Marina. Abonmarche recently completed the process of separating its marina design and waterfront development services into a new company known as Edgewater Group. This amendment will change the name of the consultant from Abonmarche to Edgewater Group.

This revision will allow the City to avoid subconsultant markup costs that would have been charged by Abonmarche. All other terms of the agreement will remain the same.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-152
(Int. No. 165)

Amending Ordinance No. 2009-15, Relating To A Marina Market And Feasibility Study

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

Section 1. Ordinance No. 2009-15, relating to an amendatory agreement for a Marina Market and Feasibility Study, is hereby amended by changing the name of the consultant from Abonmarche to the Edgewater Group for the completion of the agreement.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-153
Re: Wholesale Water Rate Increase

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for Water Districts 1 and 2 in the Towns of Lima (including the Village of Lima), Richmond, and West Bloomfield in accordance with the City's contracts with these municipal customers.

The present wholesale rate of \$1.38 per 1,000 gallons for Water Districts 1 and 2 in the Towns of Lima and Richmond was established by City Council in April 2008 (Ord. No. 2008-144). The proposed increase of 3.86 % is based on the Consumer Price Index (CPI) for the calendar year 2008. This equals a \$0.05 increase for a proposed rate of \$1.43 per 1,000 gallons. The estimated additional revenue is \$7,300.

The present wholesale rate of \$1.34 per 1,000 gallons for the Town of West Bloomfield was established by City Council in April 2007 (Ord. 2007-111). The proposed rate increase is 6.69% or \$0.09, bringing the rate to \$1.43 per 1,000 gallons. This rate is derived from the 2007 CPI of 2.83%, plus the 2008 CPI of 3.86%. The estimated additional revenue is \$3,200.

These wholesale water customers consumed about 180,600,000 gallons last year. This was a 10% increase in usage from 2007, primarily due to a dramatic 78% increase in water usage in the Town of Richmond. Usage in the Town of Lima Water Districts 1 and 2 (including the Village) comprise about 41% of the total, West Bloomfield about 19%, and Richmond about 39%.

The cost increase is related primarily to expenses of maintaining the aging water system.

Rate changes are expected to be proposed on an annual basis for Lima and Richmond, and every two years for West Bloomfield. The proposed rate increases will go into effect on July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-153
(Int. No. 166)

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: \$1.43 per 1,000 gallons for the Town of West Bloomfield and \$1.43 per 1,000 gallons for the Town of Richmond and Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-154
Re: Inter-Municipal Agreement -
South Clinton Avenue Conduit
Modernization

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the reimbursement of the County share of the cost of resurfacing a portion of South Clinton Avenue in the Town of Brighton, as part of the City's South Clinton Avenue Conduit Modernization Project.

The City has initiated the design of a project on South Clinton Avenue, between I-590 and Suburban Court to replace two water supply conduits with a single new conduit. The City is responsible for surface restoration of the portion of South Clinton Avenue that will be disturbed when excavating the trench for the new conduit. The Monroe County Department of Transportation has requested that consideration be given for the City to incorporate a County share in this project for milling and resurfacing the remaining portion of South Clinton Avenue which will not be disturbed by the City's work.

The incorporation of a County share into the City's Conduit Modernization Project will ensure that a uniform driving surface is provided along this heavily traveled arterial highway after the conduit installation. There is no additional cost to

the City.

Milling and resurfacing of South Clinton Avenue is expected to occur during the late Spring or early Summer of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-55

Ordinance No. 2009-154
(Int. No. 167)

Authorizing A Municipal Cooperation Agreement For South Clinton Avenue Improvements

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City shall include the milling and resurfacing of a portion of South Clinton Avenue in the Town of Brighton as part of the City's South Clinton Avenue Conduit Modernization Project.

Section 2. The agreement shall obligate the County of Monroe to reimburse the City for said work.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-155
Re: Agreement - LaBella Associates,
Resident Project Representation
Services, Bridge Maintenance (ARRA)

Transmitted herewith for your approval is legislation establishing \$180,000 as maximum compensation for an agreement with LaBella Associates, P.C., for resident project representation (RPR) services for the repair and maintenance of various City bridges.

The project includes preventative maintenance and repair work on eight bridges: Driving Park Avenue over Genesee River; East Main Street over CSX Transportation (CSXT) Tracks; Main Street over Genesee River; Court Street over Genesee River; Elmwood Avenue over Genesee River; Lake Avenue over CSXT Tracks; Andrews Street over Genesee River; and Ford Street over Genesee River. The Consultant will provide RPR and general consultation services during the maintenance work on the structures.

The agreement will be financed from anticipated reimbursements from the American Recovery and Reinvestment Act (ARRA), appropriated by Council in March 2009 (Ordinance No. 2009-73). The 2009 Bridge Maintenance Program is a first-tier qualified project funded under the Act.

The New York State Department of Transportation recently solicited qualifications from 15 consultants on their Local Design Services Agreement for RPR services on ARRA projects. These qualifications were used by City staff to select a consultant. LaBella Associates was selected based on their familiarity with the project and staff availability.

RPR services will begin with project construction, anticipated to begin in Summer 2009; completion is scheduled for Fall 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-56

Ordinance No. 2009-155
(Int. No. 169, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Bridge And Structural Maintenance Project

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

Section 1. The sum of \$[180,000] 195,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with LaBella Associates, P.C., for resident project representation services for the Bridge and Structural Maintenance 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 appropriation made in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-156
Re: Amendatory Agreement - Bergmann
Associates, University Avenue
Improvement Project and ARTWalk2
Enhancement Project (ARRA)

Transmitted herewith for your approval is legislation related to the University Avenue Improvement Project, including ARTWalk2. This legislation will:

1. Appropriate \$3,839,000 in anticipated reimbursements from the Federal American Recovery and Reinvestment Act (ARRA) to finance portions of the project design and construction;
2. Appropriate \$1,376,000 in anticipated reimbursements from the Federal Highway Administration to finance portions of the design and construction of the project;
3. Appropriate \$258,000 from anticipated reimbursements from the State of New York to finance portions of the design and construction of the project; and
4. Authorize an amendatory agreement with Bergmann Associates PC for final design engineering services. An additional \$930,000 will be added to the original agreement authorized in August 2007, and amended in March 2008, for total maximum compensation of \$1,175,000 for the project. The additional amount will be funded as follows:

<u>Source</u>	<u>Amount</u>
ARRA appropriation	\$504,000
FHWA appropriation	206,000
New York State appropriation	39,000
2006-07 Cash Capital	105,000*
2006-07 Cash Capital	57,900
2007-08 Water Cash Capital	12,000
2007-08 Cash Capital	<u>6,100</u>
Total	\$930,000

* *Traffic features are eligible for Monroe County reimbursement*

This project includes the reconstruction of University Avenue between North Goodman Street and Union Street, resulting in a two-lane roadway with recessed on-street parking on both sides of the street. Also included are new sidewalks, street lighting, and catch basins.

The ARTWalk trail currently ends at the intersection of University Avenue and Goodman Street. The ARTWalk2 Enhancement Project will extend the trail in three directions: 1) north along the west side of North Goodman Street to terminate at the Arts and Cultural Council of Greater Rochester and the Village Gate complex; 2) west along the north side of University Avenue to terminate at the School of the Arts and the Visual Study Workshop; and 3) south along the east side of North Goodman Street to terminate at the Rochester Museum and Science Center.

A major planned feature of the ARTWalk2 Enhancement Project is a new pedestrian plaza at the northwest corner of University Avenue and North Goodman Street, adjacent to the Memorial Art Gallery (MAG), which will include artist-designed seating and sculpture.

MAG and the University of Rochester are partnering with the City on this project; their contribution includes the funding of sculptural elements to be located in the plaza. Current plans call for a piece

representative of the Neighborhood of the Arts (NOTA) located near the intersection, and a second sculpture within the plaza for which a nationally-recognized artist will be commissioned as the signature public art contribution for the MAG.

In addition to the public and privately funded elements of the pedestrian plaza, all three legs of ARTWalk2 will be constructed with pavers or decorative concrete with specialty art features, which will include functional artist-designed street elements such as manhole covers, signal cabinets, light poles and similar features.

Other ARTWalk2 planned enhancements include connective artwork sites located throughout the project, a pocket park diagonally opposite the pedestrian plaza, a serpentine retaining wall on South Goodman Street that will function as display space for the work of local emerging artists, and an artistic bus shelter at Village Gate to be funded by Stern Properties.

ARTWalk2 is one of 59 projects selected statewide for non-traditional transportation project funding through ARRA. Project construction will also incorporate New York State Marchiselli Aid for the University Avenue reconstruction portion of the project. To meet ARRA requirements, the design will need to be completed by early 2010. Construction is expected to begin in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-156
(Int. No. 187)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvement And ARTWalk2 Enhancement Projects And Appropriating Funds

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

Section 1. The sum of \$930,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for final design engineering services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$162,900 shall be funded from the 2006-07 Cash Capital allocation, \$6,100 shall be funded from the 2007-08 Cash Capital allocation, \$12,000 shall be funded from the 2007-08 Water Cash Capital allocation, \$504,000 shall be funded from the appropriation made in Section 2, \$206,000 shall be funded from the appropriation made in Section 3 and \$39,000 shall be funded from the appropriation made in Section 4.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Government under the American Recovery and Reinvestment Act the sum of \$3,839,000, or so much as may be received and necessary, to fund the design and construction of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 3. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$1,376,000, or so much as may be received and necessary, to fund the design and construction of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 4. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$258,000, or so much thereof as may be necessary, to fund the design and construction of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-157
Re: Emerson-Locust Connector Street
Improvement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$197,000 to finance the costs of street construction for the Emerson-Locust Connector Street Improvement Project.

The project is identified in the 2007-08 through 2011-12 Capital Improvement Program, and will be financed as follows:

<u>Source</u>	<u>Amount</u>
Street	\$197,000
Water - Cash (2007-08)	<u>63,000</u>
Total	\$260,000

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. It will include construction of a new road with new curbs, catch basins, trees, sidewalks, water main system, signs and street lighting.

The Rochester Police Department, with input from Sector 3, has recommended a cross street be constructed between Locust Street and Emerson Street. This will enhance police and fire service delivery to Locust Street, which is currently an extremely long thoroughfare between Dewey Avenue and Fulton Avenue.

An ancillary benefit of the project is that the water main on the new street will interconnect the existing water mains on Emerson and Locust Streets.

This will improve fire flows for both streets and add redundancy to the water mains in the area.

The new street and right-of-way will occupy currently vacant City-owned parcels at 198 Emerson Street and 45 Locust Street, as well as the currently vacant parcel at 47 Locust Street which the City has recently acquired through foreclosure sale. The structures on all of these parcels will be demolished.

It is anticipated that design will be completed by Spring 2010. Construction is projected to begin in Summer 2010, with substantial completion by Fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-57

Ordinance No. 2009-157
(Int. No. 188)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$197,000 Bonds Of Said City To Finance The Construction Of A Connector Street Between Emerson Street And Locust 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 "City"), is hereby authorized to finance the cost of construction of a connector street between Emerson Street and Locust Street in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$197,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$197,000 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 \$197,000 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 \$197,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section

1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-158
Re: Agreement - Rochester Riverside
Convention Center Roof Replacement
Project

Transmitted herewith for your approval is legislation which will establish \$35,000 as maximum compensation for an agreement with HBT Architects, Pittsford, for Resident Project Representation (RPR) Services for the Convention Center Roof Replacement Project. The cost of the agreement will be financed from debt authorized by Ordinance 2009-67.

City Council previously appropriated funds for the roof construction, to be conducted by Leo J. Roth Corporation, in March 2009. RPR services shall include daily on-site review of construction progression to verify adherence to the design, construction schedule, budget, and to assist in the administration of the project until final completion and acceptance by the City. The City anticipates full-time representation, with the addition of in-house staff oversight, given the scale and complexity of the project.

Qualifications and proposals were solicited from nine area firms, eight of which responded: Architectura, P.C., CMA Architecture P.C., Hunt Engineers, Architects & Land Surveyors, P.C., LaBella Associates P.C., LoMonaco Associates, NH Architecture and Roof Inspec, Inc. The qualifications and proposals were rated by staff and, based on these ratings, HBT was selected for the project.

The project is on schedule for construction to commence in Summer 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-158
(Int. No. 189)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Riverside Convention Center Roof Replacement Project

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional

services agreement with HBT Architects for resident project representation services for the Rochester Riverside Convention Center Roof Replacement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-67.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-159
Re: Ashwood Drive Group Improvements - Pavement Width Changes

Transmitted herewith for your approval is legislation authorizing, as part of the Ashwood Drive Group Improvements project, increases of four feet (from 20 feet to 24 feet) in pavement widths as follows:

- 1. On Ashwood Drive, beginning at North Goodman Street easterly to Waring Road;
- 2. On Fieldwood Drive, beginning at Lyceum Street easterly to Waring Road; and
- 3. On Master Street, beginning at Waring Road easterly to Bleacker Street.

Ashwood Drive is currently an unimproved street with no gutters or curb; the pavement width changes will allow for two 12-foot lanes and either single-side or alternate parking. Fieldwood Drive and Master Street currently have concrete gutters; the pavement width changes will also allow for two 12-foot lanes and either single-side or alternate parking.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. It will include reconstruction and rehabilitation of the pavement; installation of new curbs; new water mains and services, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed.

It is anticipated the design will be completed in Spring 2009. Construction is projected to begin in Summer 2009, with substantial completion by Spring 2010.

A public informational meeting will be held on April 30, 2009; copies of the meeting minutes will be forwarded for review. The pavement width changes will be presented for endorsement at the May 5, 2009 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AI-58

Ordinance No. 2009-159
(Int. No. 170)

Approving Increases In The Pavement Width Of Ashwood Drive, Fieldwood Drive And Master Street

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

Section 1. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Ashwood Drive from North Goodman Street to Waring Road, as part of the Ashwood Drive Group Improvement Project.

Section 2. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Fieldwood Drive from Lyceum Street to Waring Road, as part of the Ashwood Drive Group Improvement Project.

Section 3. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Master Street from Waring Road to Bleacker Street, as part of the Ashwood Drive Group Improvement Project.

Section 4. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Lightfoot moved to amend Introductory No. 182.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-160,
Ordinance No. 2009-161 and
Ordinance No. 2009-162
Re: E. Henrietta Road Improvement Project (ARRA)

Transmitted herewith for your approval is legislation related to the E. Henrietta Road Improvement Project (Mt. Hope Avenue to South Avenue). This

legislation will:

1. Authorize acquisition, by negotiation or condemnation, of six parcels and two temporary easements for street purposes as part of the project;
2. Authorize an increase of four feet in pavement width on East Henrietta Road, from 36 feet to 40 feet, beginning at the Redfern Drive to a point 75 feet north;
3. Authorize closure of Fort Hill Terrace to through traffic from East Henrietta Road;
4. Authorize changes in traffic flow on Fort Hill Terrace between East Henrietta Road to South Avenue from one-way eastbound to two-way.

This project has been identified for Federal stimulus funding through the American Recovery and Reinvestment Act (ARRA) by the Genesee Transportation Council. As part of the final design (authorized by Council in March 2009), the values for the proposed acquisitions needed for the project have been established by an independent appraisal from Pomeroy Appraisal Associates, Inc., and are as follows:

<u>Address</u> <u>Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
Parcels		
227 East Henrietta Road Ayanna M. Chastine	71	\$ 400
130 Redfern Drive D. R. McCagg & S. McCagg	40	\$ 300
80 East Henrietta Road Julian M. Clarke	29	\$ 250
66 East Henrietta Road Jonathan Davis	44	\$ 250
48 East Henrietta Road John R. Cahoon	24	\$ 250
1432 Mt. Hope Avenue Jeanne M. Blaisdell*	201	\$8,600
Temporary Easements		
1432 Mt. Hope Avenue Jeanne M. Blaisdell*	330	both combined:
1432 Mt. Hope Avenue Jeanne M. Blaisdell*	516	\$2,600

* Trustee, Hoffend Family Trust

The parcels are required for construction of sidewalks and the temporary easements and required to construct features related to the improvement project. The cost of the acquisitions, and the associated closing costs, will be financed from 2007-08 Cash Capital.

Closing Fort Hill Terrace to through traffic from East Henrietta Road will improve pedestrian safety and traffic operation at the intersection of Mt. Hope Avenue with East Henrietta Road and Crit-

tenden Boulevard. As a result of this, Fort Hill Terrace will become a two-way street.

Public informational meetings were held on January 21, 2009 and April 14, 2009. The minutes of the January meeting were provided as an attachment to the March 2009 Council item (Ord. No. 2009-70); minutes of the April meeting are attached.

The pavement width change for East Henrietta Road, the closure of Fort Hill Terrace to through traffic from East Henrietta Road, and the change in traffic flow of Fort Hill Terrace from one-way eastbound to two-way will be presented to the Traffic Control Board for endorsement on May 5, 2009. The associated Official Map Amendment will be presented to the City Planning Commission on May 11, 2009.

Public hearings on the acquisitions, and pavement width and traffic changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-59

Ordinance No. 2009-160
(Int. No. 182, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of *De Minimis* Parcels And Temporary Easements For The East Henrietta Road Improvement Project

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

Section 1. The Council hereby approves the acquisition of *de minimis* temporary easements over the following parcels for street purposes as a part of the East Henrietta Road (Mt. Hope Avenue to South Avenue) Improvement Project:

<u>Address</u> <u>SBL#</u> <u>Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
1432 Mt. Hope Avenue 136.54-1-22.1 Jeanne M. Blaisdell, Trustee of the Hoffend Family Trust	330	\$2,600 for both
1432 Mt. Hope Avenue 136.54-1-22.1 Jeanne M. Blaisdell, Trustee of the Hoffend Family Trust	516	

Section 2. The Council hereby approves the acquisition of the following *de minimis* parcels for street purposes, or in the case of the last four parcels listed below, permanent easements for street purposes, as a part of the East Henrietta Road (Mt. Hope Avenue to South Avenue) Improvement Project, in amounts not to exceed the following:

<u>Address</u>	<u>SBL#</u>	<u>Sq. Ft.</u>	<u>Value</u>
[227 East Henrietta Road] <u>127 Redfern Drive</u>			
136.70-1-40	71		\$400
Ayanna M. Chastine			
130 Redfern Drive			
136.70-1-41	40		\$300
David R. McCagg & Stephen McCagg, <u>as Trustees</u>			
80 East Henrietta Road			
136.62-1-31	29		\$250
Julian M. Clarke			
66 East Henrietta Road			
136.62-1-42	44		\$250
Jonathan Davis			
48 East Henrietta Road			
136.62-1-45	24		\$250
John R. [Calhoon] <u>Cahoon</u>			
1432 Mt. Hope Avenue			
136.54-1-22.1	201		\$8,600
Jeanne M. Blaisdell, Trustee of the Hoffend Family Trust			

Section 3. The acquisitions shall obligate the City to pay an amount not to exceed \$12,650, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2007-08 Cash Capital allocation.

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

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-161
(Int. No. 183)

Approving An Increase In The Pavement Width Of East Henrietta Road At Redfern Drive

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

Section 1. The Council hereby approves an increase of 4 feet, from 36 feet to 40 feet, in the pavement width of East Henrietta Road from Redfern Drive to a point 75 feet to the north, as part of the East Henrietta Road (Mt. Hope Avenue to South Avenue) Improvement Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-162
(Int. No. 184)

Changing The Traffic Flow Of Ft. Hill Terrace From One-Way Eastbound To Two-Way And Authorizing Closure Of Ft. Hill Terrace To Through Traffic At East Henrietta Road

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

Section 1. The Council hereby approves a change in the traffic flow of Ft. Hill Terrace between East Henrietta Road and South Avenue from one-way eastbound to two-way.

Section 2. The Council hereby further approves the closure of Ft. Hill Terrace to through traffic at East Henrietta Road.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-163
Re: Official Map Amendment -
Crittenden Boulevard

Transmitted herewith for your approval is legislation amending the Official Map by abandoning portions of the public right-of way at the northeast and southeast corners of Crittenden Boulevard and Kendrick Road; and authorizing their sale. These areas represent approximately 0.05 acres. These will be sold to the University of Rochester for their appraised value, to be determined by an independent appraisal by Pogel, Schubmehl and Ferrara, LLC.

Acquisition of these parcels will allow for the realignment of property lines at this intersection to accommodate planned development of a new academic building by the University. The original right-of-way was designed to accommodate the University's trolley system. Although the street was re-aligned after removal of the system, the right-of-way was not adjusted.

The University has submitted a site plan and agreed to all required improvements to the right-of-way and existing street infrastructure as necessary.

The City Planning Commission, in its February 9, 2009 meeting recommended approval of this

abandonment by a vote of 4-0-2 (abstentions). Minutes of that meeting, application and reference documentation are attached. Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an Unlisted Action.

A public hearing on the map amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-60

Ordinance No. 2009-163
(Int. No. 186, As Amended)

Amending The Official Map By Abandonment Of Portions Of Crittenden Boulevard And Authorizing Their Sale

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

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

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

Beginning at a point of curvature on the easterly right of way line of Kendrick Road (100' wide), said point being southerly 343.36 feet, from the southerly point of curvature of the intersection of Kendrick Road and Elmwood Avenue; thence,

Southeasterly on a curve to the left, on the existing street right of way line, having a radius of 120.00 feet, a chord bearing of South 52°-28'-08" East, a chord distance of 160.62 feet, having a central angle of 84°-01'-25", for a length of 175.98 feet to the point of tangency on the existing northerly right of way line of said Crittenden Boulevard (30' wide); thence,

South 85°-31'-09" West, through the existing bed of the highway, a distance of 85.57 feet to a point; thence,

North 52°-28'-08" West, continuing through the existing bed of the highway, a distance of 33.46 feet to a point; thence,

North 10°-27'-26" West, continuing through the existing bed of the highway, a distance of 85.57 feet to the Point of Beginning.

Said parcel being 2,160 square feet or 0.050 acre, more or less, as shown on a map entitled

"Right of Way Abandonment Kendrick Road at Crittenden Boulevard", prepared by Bergmann Associates, last revised 1/23/09 and on file in the Office of the City Clerk.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Crittenden Boulevard:

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

Beginning at a point of curvature on the southerly right of way line of Crittenden Boulevard (30' wide), said point being 847.67 feet westerly from the point of curvature at the intersection of said Crittenden Boulevard and Castleman Road (60' wide); thence,

Southwesterly on a curve to the left, on the existing street right of way line, having a radius of 130 feet, a length of 217.76 feet, a central angle of 95°-58'-35", a chord bearing of South 37°-31'-52" West, and a chord distance of 193.18 feet to a point of tangency; thence,

North 10°-27'-26" West, through the existing bed of the highway, a distance of 122.12 feet to a point; thence,

North 37°-31'-52" East, continuing through the existing bed of the highway, a distance of 29.72 feet to a point; thence,

North 85°-31'-09" East, continuing through the existing bed of the highway, a distance of 122.12 feet to the Point of Beginning.

Said parcel being 4,362 square feet or 0.100 acre, more or less, as shown on a map entitled "Right of Way Abandonment Kendrick Road at Crittenden Boulevard", prepared by Bergmann Associates, last revised 1/23/09 and on file in the Office of the City Clerk.

Section 3. 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 February 9, 2009.

Section 4. Upon abandonment of the portions of Crittenden Boulevard as authorized herein, the Council hereby approves the sale of the City-owned abandonment areas to the University of Rochester for [their appraised value] the sum of \$6,600.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Councilmember Lightfoot moved to discharge Int. No. 168 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember Lightfoot moved to amend Int. No. 168.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-164
Re: Agreement - RFS Consulting, City
Vehicle and Equipment Services

Transmitted herewith for your approval is legislation establishing \$54,000 as maximum compensation for an agreement with RFS Consulting (Richard F. Saltrelli, principal), Rochester, for consulting services for the Department of Environmental Services. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Environmental Services.

Mr. Saltrelli is one of several employees in management positions within DES to have retired recently, or are expected to retire in the near future, creating a gap in expertise in several of the operational areas of the department. This agreement is a cost-effective measure that will allow the Department to capitalize on the extensive experience and knowledge Mr. Saltrelli accumulated during his career with the City.

Mr. Saltrelli will develop recommendations and an implementation plan for a City-wide motor pool. By identifying and analyzing seasonal equipment needs across operating units and establishing a method for scheduling and sharing equipment, it is believed that significant capital reductions may be achieved through reductions in the heavy equipment fleet.

In addition, Mr. Saltrelli will provide consulting services related to the implementation of automatic vehicle location (AVL) equipment on DES vehicles, for which the department has received a

Federal Highway Administration grant in the amount of \$996,900.

Mr. Saltrelli would also act as a resource for labor relations issues, including upcoming negotiations with AFSCME. He may also work on other projects as assigned.

Services will be provided at the rate of \$45 per hour. The term of the agreement will be May 18, 2009 through June 30, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-164
(Int. No. 168, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Consulting Services

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

Section 1. The sum of \$[54,000] 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 RFS Consulting for consulting services for the Department of Environmental Services through June 30, 2010. Said amount shall be funded from the 2008-09 Budget of the Department of Environmental Services. Reports shall be provided to City Council after three months and six months indicating the number of hours for which the consultant was compensated, by project.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

By Councilmember Miller
May 12, 2009

To the Council:

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

Int. No. 171 - Authorizing An Agreement For REDCO Services

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

Int. No. 172 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 173 - Continuation Of Local Improvement Ordinance No. 1289 Relating To The Monroe Avenue Commercial Parking Lot

Int. No. 174 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 175 - Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Special Services Program

Int. No. 176 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

Int. No. 185 - Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul (Did not vote on Int. Nos. 175, 176, URA-3, URA-4, URA-5 and 185)
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

Councilmember Miller moved to return Int. No. 171 to Committee.

The motion was seconded by Councilmember Palumbo

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 171
Re: Agreement - REDCO,
Management Fee

Transmitted herewith for your approval is legislation related to the costs of support provided by City staff to the Rochester Economic Development Corporation (REDCO). This legislation will authorize an agreement with REDCO for the reimbursement of \$75,000.

City staff provide the following services in support of REDCO activities:

- Marketing REDCO loans
- Reviewing REDCO loan applications
- Underwriting REDCO loans
- Reviewing requests for funds and processing voucher
- Preparing the REDCO annual report
- Administering the Enterprise Community Zone program
- Project management for Brooks Landing
- Legal counsel
- Processing of payments for loans

At their May 2008 meeting, the REDCO Board authorized a payment to the City of \$75,000 as a management fee.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 171

AUTHORIZING AN AGREEMENT FOR REDCO 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 Rochester Economic Development Corporation (REDCO) whereby the City will be compensated for providing services to REDCO.

Section 2. The agreement shall obligate REDCO to pay to the City the sum of \$75,000 for said services.

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.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1603 and
Local Improvement Ordinance No. 1604
Re: Special Assessment District
Parking Lots

Transmitted herewith for your approval is legislation authorizing the assessments for seven neighborhood commercial and residential parking lots; appropriating \$75,995 for the operation and maintenance of the parking areas during 2009-10; and re-authorizing the Monroe Avenue Special As-

assessment District for an additional ten years.

Special Assessment Districts were established in 1979 for these parking lots known as: Culver/Merchants, Monroe Avenue, Parker Place, South Avenue, North Street, Lyell Avenue, and Woodside/Goodwill. 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 cost 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 2009-10:

Parking lot assessments - July 1, 2009	\$72,345
Unused assessment - prior years	<u>3,650</u>
Total	\$75,995

The South Avenue district properties will continue through 2009-10 without additional assessments; sufficient funds remain from previous years' assessments.

A summary of charges by district is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-61

Local Improvement Ordinance No. 1603
(Int. No. 172)

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 2009-10:

<u>Parking Area</u>	<u>LI</u>	
<u>New Assessments</u>	<u>Unused Assessments From Prior Years</u>	<u>Total Amount</u>
Culver/Merchants	1534	
\$31,245.00	\$ -0-	\$31,245.00

Monroe Avenue		Pending	
14,200.00	2,000.00		16,200.00
Parker Place		1489	
2,500.00	-0-		2,500.00
South Avenue		1468	
-0-	1,650.00		1,650.00
North Street		1258	
7,000.00	-0-		7,000.00
Lyell Avenue		1548	
7,950.00	-0-		7,950.00
Woodside/Goodwill		1517	
9,450.00	-0-		9,450.00

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1604
(Int. No. 173)

Continuation Of Local Improvement Ordinance No. 1289 Relating To The Monroe Avenue Commercial Parking Lot

WHEREAS, by Local Improvement Ordinance No. 1289, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue Commercial Parking Lot (also known as the Oxford Square Commercial Parking Lot); and

WHEREAS, said Local Improvement Ordinance was extended for ten years by Local Improvement Ordinances No. 1441, and the Council desires to continue said Local Improvement Ordinance for an additional period of ten years.

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

Section 1. Local Improvement Ordinance No. 1289, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue Commercial Parking Lot, as extended by Local Improvement Ordinance No. 1441, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1605
Re: Downtown Enhancement District
2009-10 Budget

Transmitted herewith for your approval is legislation approving the 2009-10 Budget for the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District.

The District, designed to provide an enhanced

level of care and maintenance in the downtown area, has been reauthorized periodically since it was established in 1989. The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north; Chestnut Street on the east; Broad Street on the south; Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that are within the enclosed walkway system.

The Downtown Enhancement District Advisory Committee, consisting of eleven representatives of property owners and tenants, oversees the Department of Environmental Services' administration of the program. The Committee approved the proposed budget on March 19, 2009.

Annual costs are restricted by formula - an amount equal to the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the Consumer Price Index (CPI) - unless otherwise approved by the advisory committee. Costs are apportioned among District properties using the following criteria: assessed value of the property - 50%; gross area - 50%. Additionally, costs are assessed for properties directly on Main Street or with direct access to Main Street via the enclosed walkway system, and all parking lots and garages are weighted at twice the factors of other properties.

The maximum permissible budget for 2009-10 based upon the 20-year cumulative increase in the CPI (75.8%) is \$703,200. The recommended budget is \$553,200 which is a \$12,300 (2.3%) increase over 2008-09. This is due in most part to a \$10,500 increase in wages and benefits.

<u>Expense</u>	<u>2008-09</u>	<u>2009-10</u>	<u>Variance</u>
Salaries and wages	\$377,800	\$383,200	\$ 5,400
Employee benefits	<u>139,200</u>	<u>144,300</u>	<u>5,100</u>
Total personnel services	\$517,000	\$527,500	\$10,500
Materials and supplies	65,200	66,100	900
Contractual services	<u>51,700</u>	<u>55,600</u>	<u>3,900</u>
Operational expenses	\$633,900	\$649,200	\$15,300
Less: Operating revenues	<u>33,000</u>	<u>36,000</u>	<u>3,000</u>
Required assessments	\$600,900	\$613,200	\$12,300
Less: Fund balance	<u>60,000</u>	<u>60,000</u>	<u>0</u>
Total Budget	\$540,900	\$553,200	\$12,300

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1605
(Int. No. 174)

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 2009-10 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531 and 1597, is established at \$553,200. The sum of \$60,000 from the fund balance and \$36,000 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to further fund the Downtown Enhancement District for the fiscal year.

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1606 and
Local Improvement Ordinance No. 1607
Re: Downtown Special Services
Program

Transmitted herewith for your approval is legislation related to the Downtown Special Services Program. This legislation will:

1. Authorize a five-year continuation of the special assessment district through which the program is financed;
2. Approve the 2009-10 budget of the program and the assessments to be apportioned to the properties within the Downtown Special Services District (see attached map); and
3. Establish \$513,400 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2009 to June 30, 2010. This agreement will be funded from assessments to participating properties and a portion of fund balance.

The Downtown Special Services Program, previously referred to as the Downtown Guides Program, was established in 1994, and has been reauthorized in 1999 and 2004. In 2007, a name change was approved to reflect the change in program emphasis from information to safety. Retired law enforcement personnel on foot, bicycles, and in vehicles provide on-street safety services.

Downtown Special Services, Inc., is a non-profit

corporation governed by an 11-member board of representatives from downtown businesses, the tourist industry, and City and County government. The board and membership recently decided that the Safety Services team hours would be extended by one hour on Friday and Saturday evenings. The reduction of an Operations Supervisor position will allow for this additional expense. The Safety Services team also now offers an on-demand walking service to downtown employees between the hours of 6:00 pm and 9:00 pm, Monday through Friday.

The program will continue the operation of a small Information Services team at the Downtown Information Center, and maintain a portion of the website that draws approximately 140,000 visitors per year. The Center is open weekdays from 8:30 am to 5:30 pm.

The 2009-10 budget for the program will be \$513,400. Upon application of \$54,735 from the fund balance, the total assessment for 2009-10 will be \$449,941, which includes a delinquency reserve.

The assessment to cover the expenses of the program will be apportioned among all non-homestead properties within the district boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation. Once the proposed legislation is approved, the tax levy for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review these tax levies and to comment upon them at a public hearing.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-62

Local Improvement Ordinance No. 1606
(Int. No. 175)

Continuation Of Local Improvement Ordinance No. 1352 Relating To The Downtown Special Services Program

WHEREAS, by Local Improvement Ordinance No. 1352, the City provided for the levying of local improvement assessments to fund the cost of the Downtown Special Services Program (originally known as the Downtown Guides Program); and

WHEREAS, said Local Improvement Ordinance was extended for five years by Local Improvement Ordinances No. 1446 and 1528, and the Council desires to continue said Local Improvement Ordinance for an additional period of five years.

NOW, THEREFORE, BE IT ORDAINED, by

the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1352, relating to the levying of local improvement assessments to fund the cost of the Downtown Special Services Program, as extended by Local Improvement Ordinances No. 1446 and 1528, is hereby re-enacted for an additional period of five years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1607
(Int. No. 176)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

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

Section 1. The cost of the special work and services to be assessed for the 2009-10 fiscal year for the Downtown Special Services District, is established at \$449,941, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446 and 1528, and at this meeting.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Special Services Program. The agreement shall obligate the City to pay an amount not to exceed \$513,400, and of said amount, or so much thereof as may be necessary, \$449,941 is hereby appropriated from the assessments authorized herein and \$54,735 is hereby appropriated from Downtown Special Services District fund balances. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1608
Re: Authorizing a New Local Improvement District - East Avenue and Alexander Street, Enhanced Street Cleaning Services

Transmitted herewith for your approval is legislation authorizing the establishment of a new local improvement district to be known as the East Avenue and Alexander Street Entertainment District, for the purpose of providing additional trash removal during specified hours. This legislation will also authorize the calculation of the annual

costs and the apportionment thereof among district properties.

For the past two years, the City has provided, at no cost, additional trash removal during times of high patron use in the district, with the understanding that a special assessment district would be formed and associated costs charged to the entertainment venue properties (i.e., bars, restaurants, and parking lots).

The annual assessment levied for each property is based on use and size, as agreed upon by those entertainment establishments and property owners in the district. The total assessment for 2009-10 is \$17,930, with charges by type of property as follows:

Description	Code	Charge
Parking Lot Under 2500 Sq Ft	1	\$190
Parking Lot 2500-4999 Sq Ft	2	\$370
Parking Lot 5000-9999 Sq Ft	3	\$550
Parking Lot 10,000 Sq Ft or more	4	\$750
Small Sit Down Restaurant	5	\$190
Take Out Rest/Smaller Bar	6	\$370
Large Bar/Sit Down Restaurant	7	\$860

Residential properties without entertainment venues or parking lots are not assessed additional charges.

A list of properties included in the district is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1608
(Int. No. 185)

Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District

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

Section 1. The Council hereby authorizes the upgrading of street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District in the form of additional services on Saturday and Sunday mornings from approximately April through October for 2009 and 2010.

Section 2. The limits of the District of Assessment for the additional street cleaning shall be the following properties, which constitute parking lots and parcels within the East Avenue/Alexander Street Entertainment District that contain uses that generate the need for additional street cleaning services on weekends:

SBL #	Owner Name	Property Address	Code
121.33-1-11	VBS of Rochester Inc.	7 Ryan Alley	1
121.26-1-63	Whiting Chauncey L Jr	16 Lawrence St	2
121.26-1-64	Whiting Chauncey L Jr	14 Lawrence St	2
121.34-1-31	277 Alexander LLC	285 Alexander St	2
121.33-1-12	277 Alexander LLC	22 Anson Pl	3
121.33-1-13	277 Alexander LLC	24 Anson Pl	3
121.33-1-14	277 Alexander LLC	277 Alexander St	5
121.33-1-14	277 Alexander LLC	277 Alexander St	6
121.34-1-36	333 East LLC	297 Alexander St	3
121.34-1-34	Pyrczak Linda M	293 Alexander St	7
121.25-1-48	Apub Inc	7 Lawrence St	7
121.26-1-62	Apub Inc	18 Lawrence St	2
121.34-1-32	Rochester East End Properties	289 Alexander St	6
121.25-1-47	LLD Enterprises Inc	330 East Av	5
121.25-1-45	LLD Enterprises Inc	320 East Av	5
121.34-1-35	295 Alexander St LLC	295 Alexander St	6
121.34-1-30	282 Alexander LLC	282 Alexander St	5
121.34-1-33	Davis Ronald A & Cowden Tabor	291 Alexander St	7
121.26-1-41	RRB Properties LLC	336 East Av	7
121.26-1-41	RRB Properties LLC	336 East Av	7
121.26-1-45	The Fitch Building LLC	315 Alexander St	6
121.26-1-45	The Fitch Building LLC	315 Alexander St	7
121.26-1-44	The Fitch Building LLC	360 East Av	7
121.26-1-58	The Fitch Building LLC	28.5 Lawrence St	1
121.26-1-59	The Fitch Building LLC	26 Lawrence St	2
121.26-1-39	339 East Avenue LLC	355 East Av	7
121.26-1-39	339 East Avenue LLC	355 East Av	7
121.34-1-38	339 East Avenue LLC	301 Alexander St	4
121.26-1-38	Chen Teh-Huiy & Shue-Que	384 East Av	7
121.26-1-40	333 East Avenue LLC	1 Ryan Alley	7
121.26-1-40	339 East Avenue LLC	311 Alexander St	6
121.26-1-40	333 East Avenue LLC	343 East Av	6
121.26-1-40	333 East Avenue LLC	349 East Av	6
	333 East Avenue LLC	333 East Avenue LLC	7

Section 3. The Council hereby finds that the upgrading of said street cleaning will benefit the parcels of property within the district described in proportion to the type of use of each property, and for parking lots, the size of the lot, in accordance with the following Code:

	<u>Code</u>	<u>Charge 2009</u>
Parking Lot Under 2500 Sq Ft	1	\$190
Parking Lot 2500-4999 Sq Ft	2	\$370
Parking Lot 5000-9999 Sq Ft	3	\$550
Parking Lot 10000 Sq Ft Or More	4	\$750
Small Sit Down Restaurant	5	\$190
Take Out Rest/Smaller Bar	6	\$370
Large Bar/Sit Down Restaurant	7	\$860

Section 4. The additional costs relating to such street cleaning upgrading, in an amount not to exceed \$17,930 for 2009, shall be assessed and billed on the 2009-10 tax bill and shall be due in one installment. The amount to be billed for 2010-11 and the charge for each code shall be determined by a separate local improvement ordinance. Such amount shall be appropriated from the Special Assessments. 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.

Passed unanimously.

By Councilmember McFadden
May 12, 2009

To the Council:

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

Int. No. 177 - Establishing Maximum Compensation For An Agreement With The Protectives, Inc. For Property Protection And Salvage Services

Int. No. 178 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Security Systems

Int. No. 180 - Amending The 2008-09 Budget For Columbaria Purchases

Int. No. 181 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Assets Coming Together For Youth Initiative

The following entitled legislation is being held in Committee:

Int. No. 179 - Authorizing An Application And Agreements For The 2009 Summer Food Service Program For Children

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-165
Re: Agreement - Protectives, Inc.

Transmitted herewith for your approval is legislation establishing \$141,000 as maximum compensation for a three-year agreement with Protectives, Inc. for the continued provision of auxiliary services to the Rochester Fire Department. The cost of the agreement will be funded from the annual Budgets of the Fire Department as follows:

2009-10	\$ 46,000
2010-11	47,000
2011-12	<u>48,000</u>
Total	\$141,000

The Rochester Protectives, Inc., a volunteer fire-fighter assistance organization established in 1858, works with the RFD to provide both fire and non-fire salvage services to City residents at emergency incidents. The Protectives provide assistance to the Fire Department and protect private property of citizens from unnecessary damage by performing the following activities:

- Covering or removing property
- Recovering family valuables
- Providing ventilation through the use of smoke-ejecting fans
- Set-up of emergency scene lighting
- Pumping water from flooded buildings
- Securing broken windows and doors

Over 25,000 hours of services are provided annually by approximately 35 active members who volunteer a minimum of twelve hours per week. RFD provides 5,600 square feet of space at the Andrews Street facility for office, storage, and bunking purposes, and a truck and driver to transport equipment.

To ensure the health and safety of emergency responders, the Fire Department provides annual physicals and hepatitis B vaccinations for Protectives members who use breathing apparatus at fire scenes. Similar health services are currently provided by the City to other emergency personnel as required under state and federal regulations.

The City funds cover the costs incurred by Protectives, Inc. for operating and administrative costs of

the program, including but not limited to: facility maintenance, administrative services, office supplies, and accident and sickness insurance.

The most recent agreement, authorized in 2006, expires June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-165
(Int. No. 177)

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 \$46,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of an agreement between the City and The Protectives, Inc. for property protection, salvage and related services to the Fire Department. Said agreement may extend for a term of three years, with maximum amounts of \$47,000 and \$48,000 in the second and third years. The Fire Department shall also be obligated to pay for the costs of physical examinations and hepatitis B vaccinations for members of the Protectives. Said amounts shall be funded from the 2009-10 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. 2009-166
Re: Agreement - SimplexGrinnell LP,
9-1-1 Center Security System

Transmitted herewith for your approval is legislation establishing \$22,000 as maximum compensation for an agreement with SimplexGrinnell LP, Rochester, for security system services at the Emergency Communications Center. The cost of the agreement will be financed from the 2009-10 Budget of the Emergency Communications Department.

SimplexGrinnell LP will provide inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Inspection services will include functional testing of all components of the systems and will be conducted in accordance with NFPA standards. Maintenance services will include all parts and labor necessary to diagnose and repair the systems, excluding problems in power and signal wiring. Maintenance service will also include after-hours

emergency repairs for the intrusion alarm, access control and the fire alarm systems.

The most recent agreement for these services was approved by City Council in April 2008. The security camera and access control systems for the Emergency Communications Center were upgraded by SimplexGrinnell LP in March 2003. The access control system interfaces with the security camera system, and is a proprietary system using equipment, software, and supplies available only from SimplexGrinnell.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-166
(Int. No. 178)

Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Security Systems

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

Section 1. The sum of \$22,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with SimplexGrinnell LP for inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Said amount shall be funded from the 2009-10 Budget of the Emergency Communications Department, contingent upon adoption of said Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-167
Re: Budget Amendment - Mt. Hope
And Riverside Cemeteries

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$33,000 from the Contingency Account to the Cemetery Cash Capital Account. These funds will finance the purchase of three double-niche columbaria; one will be installed at Riverside Cemetery, and two will be installed at Mt. Hope Cemetery.

There is increasing interest from pre-need and at-need clients for cremation over traditional ground burial. Cremation is less costly and requires less on-going maintenance. Cremation also makes much more efficient use of cemetery space and provides a steady revenue source for the City. The purchase of the columbaria will provide clients with another option for pricing and location.

The columbaria will each have fifty niches. The niches will be offered at \$1200 for a single niche and \$1500 if the niche is being used as a double. Based on a conservative sales estimate of five niches per year for each of the three columbaria, the capital costs will be recovered in approximately two years. This acquisition will assist in decreasing the required property tax support for the cemeteries in the future years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-167
(Int. No. 180)

Amending The 2008-09 Budget For Columbaria Purchases

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$33,000 from the Contingency Account to the Cash Capital allocation to fund the acquisition of columbaria for Mt. Hope and Riverside Cemeteries.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-168
Re: Amendatory Agreement - Coordinated Care Services, Inc., ACT for Youth

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Coordinated Care Services Inc., for continued support of the Assets Coming Together for Youth Initiative. The original agreement, authorized in March 2009, established maximum compensation of \$13,000; this amendment will provide an additional \$20,000 for a total of \$33,000. The additional cost will be financed from the 2008-09 Budget of the Department of Recreation and Youth Services.

This funding request is necessitated by an anticipated loss of state funding for this program. New York State Department of Health funding was expected to continue for two additional years, but has been eliminated state-wide. The additional funds will support the costs for a Coordinator and Assistant Coordinator to continue the ACT for Youth Initiative. ACT for Youth provides programs for youth leadership, service learning, and youth/adult partnerships in the city and the county.

The ACT for Youth Initiative has been a successful collaboration between the Rochester-Monroe County Youth Bureau and the City's Bureau of

Recreation. In keeping with the collaborative spirit, the Rochester-Monroe County Youth Bureau will match the additional funding by the City to support the staffing of the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-63

Ordinance No. 2009-168
(Int. No. 181)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Assets Coming Together For Youth Initiative

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Coordinated Care Services, Inc. to provide coordinators for the Assets Coming Together for Youth Initiative. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 179
Re: Summer Food Service Program

Transmitted herewith for your approval is legislation related to the 2009 Summer Food Service Program (SFSP). This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of funds for the 2009 SFSP;
2. Establish \$367,600 as maximum compensation for an agreement with the Rochester City School District for the preparation and delivery of the breakfasts and lunches.

SFSP provides free breakfast and lunch to City children eighteen and under and to disabled persons over eighteen who are enrolled in a school year program for children with disabilities. The program is administered by the City; the District prepares and delivers the meals to the program sites.

The School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, qualifying all areas of the city for participation. Approximately sixty-five sites will operate June 29-September 4, 2009.

Site selection is based on proximity to youth service activities and satisfactory past participation in the program.

The rates for meal preparation and delivery, and New York State reimbursement are:

	2008 <u>RCSD</u>	2009 <u>RCSD</u>	2009 NYS <u>Reimbursement</u>
Breakfast	\$1.30	\$1.40	\$1.78
Lunch	\$2.30	\$2.40	\$3.13

Based on these rates, and a projection of 74,000 breakfasts and 110,000 lunches, estimated reimbursement from the State will be \$476,000, which includes \$108,400 in operating costs. These amounts have been included in the proposed 2009-10 Budget of the Department of Recreation and Youth Services.

The most recent agreement for these services was approved by Council in April 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 179

AUTHORIZING AN APPLICATION AND AGREEMENTS FOR THE 2009 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 2009 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$367,600, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2009-10 budget of the Department of Recreation and Youth Services, contingent upon approval of said budget and receipt of said funding.

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

Section 5. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 9:10 P.M.

DANIEL B. KARIN
City Clerk

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SPECIAL MEETING
MAY 28, 2009

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

Absent - Councilmember Pritchard - 1.

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

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

PUBLIC HEARINGS.

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

Authorizing An Amendatory 2008-09 Community Development Program Plan, Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009 And Repealing Ordinance No. 2009-110 Int. No. 195 No speakers.

Authorizing An Amendatory 2009-10 Community Development Program Plan Int. No. 196 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-169 and
Ordinance No. 2009-170
Re: Repealing Ordinance No. 2009-110
And Amending the 2008-09 and
2009-10 Annual Action Plans of
The Consolidated Community
Development Plan

Transmitted herewith for your approval is legislation related to the Consolidated Community Development Plans. This legislation will:

1. Repeal Ordinance No. 2009-110 regarding additional Community Development Block Grant funds received through the American Recovery and Reinvestment Act. Additional guidelines issued by HUD since this ordinance was authorized require new legislation.
2. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to reflect the receipt and use of \$2,585,159 in Community Development Block Grant funds available under the American Recovery and Reinvestment Act of 2009;

- 3. Authorize the submission of the amendment to the Development Plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements;
- 4. Appropriate \$2,585,159 for the EDD Financial Assistance Loan and Grant Program;
- 5. Authorize the Mayor to enter into agreements for the use of these funds; and
- 6. Amend the Consolidated Community Development Plan 2009-10 Annual Action Plan to reflect the elimination of \$18,921 in funding for the American Dream Down-payment Incentive (ADDI) Program. The draft plan submitted had estimated the receipt of this amount. This results in a new total of \$841,079 for the Homeownership Fund.

The EDD Financial Assistance Loan and Grant Program provides financial assistance to city businesses and funds the EDD Financial Assistance, EDD Building Renovation Matching Grant, Targeted Business Assistance, Main Street Assistance, and Pre-Development Grant programs.

Public hearings on the action plan amendments are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-169
(Int. No. 195)

Authorizing An Amendatory 2008-09 Community Development Program Plan, Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009 And Repealing Ordinance No. 2009-110

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

Section 1. The Council hereby approves an amendment to the 2008-09 Community Development Program Plan to enable the City to receive and administer additional Community Development Block Grant funds in the amount of \$2,585,159 from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009, for the EDD Financial Assistance Loan & Grant Program.

Section 2. The Mayor is hereby authorized to enter into all necessary agreements to enable the City to receive and administer additional Community Development Block Grant funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 3. There is hereby appropriated from the EDD Financial Assistance Loan & Grant Program allocation of the 2008-09 Community Development Program the sum of \$2,585,159, or so

much thereof as may be necessary, to fund the EDD Financial Assistance Loan & Grant Program.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the EDD Financial Assistance Loan & Grant Program.

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

Section 6. Ordinance No. 2009-110, relating to amendments to the 2008-09 Community Development Program Plan to enable the City to receive and administer additional Community Development Block Grant funds under the American Recovery and Reinvestment Act of 2009, is hereby repealed.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-170
(Int. No. 196)

Authorizing An Amendatory 2009-10 Community Development Program Plan

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

Section 1. The Council hereby approves an amendment to the 2009-10 Community Development Program Plan to delete funding in the amount of \$18,921 for the American Dream Downpayment Incentive (ADDI) Program which was included in the Buyer Assistance Program of the Homeownership Fund within the Improving the Housing Stock and General Property Conditions allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 179 was introduced May 12, 2009 and appears in its original form with its transmittal letter on page 172 of the current Council Proceedings

Ordinance No. 2009-171
(Int. No. 179)

Authorizing An Application And Agreements For The 2009 Summer Food Service Program For Children

Passed unanimously.

Introductory No. 194 was introduced May 12, 2009 and appears in its original form with its transmittal letter on page 137 of the current Council Proceedings

Ordinance No. 2009-172
(Int. No. 194)

Establishing Maximum Compensation For A Professional Services Agreement And Amending The 2008-09 Budget For The Summer Of Opportunity Program

Passed unanimously.

The meeting was adjourned at 4:30 P.M.

DANIEL B. KARIN
City Clerk

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PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT
BUDGETS
JUNE 10, 2009
7:00 P.M.

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

Absent - None - 0.

The Council President requested the Council to rise for a moment of silence.

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

PUBLIC HEARINGS

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

Adoption Of The Budget Estimates For Municipal Purposes For The 2009-10 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 234 3 speakers Jeff Kaczorowski, Jeff Goldblatt, Diane Larter

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010, And Appropriation Of Sums Set Forth Therein Int. No. 235 33 speakers Adele Fico, Anita Jones, Jimmie Highsmith Jr., Rachel Dobbs, Mary Lee Miller, Jon Greenbaum, Nick Francesco, Evora Sutliff, Megan Gilfoy, Crescenzo Scipione, Charlie Richardson, Greg Newton, Marilyn Delucia, David Liebert, Adam Urbanski, Meredith Gaylor, Erin Shaemaker, Maria Rugg, Deborah Fox, Jennifer Bowen, Mark Schader, Demond Meeke, Glenn Williams, Deb Wachspress, Alma Balonon-Rosen, Diane Hamilton, Caroline Ruby, Thalia Ortiz, Amy Spiess-Ki, Melinda Phillips, Eric Daniels, Ricardo Adams, Desiree Giddens

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010 Int. No. 238 No speakers

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2009 And Expiring June 30, 2010 Int. No. 239 No speakers

The meeting was adjourned at 10:25 p.m.

Daniel B. Karin
City Clerk

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REGULAR MEETING
JUNE 16, 2009

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

Absent - None - 0.

The Council President requested the Council to rise for a moment of silence.

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

Recognition Ceremony

Retirement:

Environmental Services

Jorge Rosado
Richard Saltrelli
William M. Sauers
John E. Thomas

Finance Department

Jadwiga-Maria Dickinson
*Angela J. Zink

Neighborhood Service Centers

*Renee G. Hale

Fire Department

*John W. LeBeau

Police Department

*Kenneth J. Coniglio, Sr.

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of May 12, 2009 and the Special Meeting of May 28, 2009 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:
Amendments To Lease Agreement With Rochwil Associates For Space In The Sibley Building 3966-09
Public Disclosure - HOME Participation (2) 3967-09, 3968-09
Public Disclosure - CDBG Participation 3969-09

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition presented by Councilmember Conklin regarding keeping the City School District class sizes small, 1,139 signatures Petition No. 1639

Petition regarding traffic flow on Dayton Street, 43 signatures Petition No. 1640

PUBLIC HEARINGS.

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

Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way Westbound Int. No. 219 Two speakers: Lamar Floyd, Rev. Henry Turner.

Authorizing Amendatory 1996-97, 2000-01, 2005-06 And 2006-07 Community Development Program Plans And Authorizing Agreements For The ED Financial Assistance Loan & Grant Programs Int. No. 224 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 16, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 197 - Cancellation Of Taxes And Charges

Int. No. 198 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

Int. No. 199 - Local Law Amending The City Charter With Respect To Parking

Int. No. 200 - Amending The Municipal Code With Respect To Parking

Int. No. 201 - Local Law Amending The City Charter With Respect To The Use Of Certified Or Registered Mail

Int. No. 202 - Amending The Municipal Code With Respect To The Use Of Certified Or Registered Mail

Int. No. 203 - Amending Chapter 23 Of The Municipal Code, Waterworks

Int. No. 204 - Amending Chapter 90 Of The Municipal Code Relating To Graffiti Removal

Int. No. 205 - Amending The Municipal Code With Respect To The Department Of Neighborhood And Business Development, As Amended

Int. No. 206 - Resolution Approving Appointment To The Greater Rochester Sports Authority

Int. No. 207 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

Int. No. 208 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Sound And Lighting Services

Int. No. 209 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 210 - Establishing Maximum Compensation For An Agreement For Cruises And Concerts

Int. No. 234A - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Youth Development - \$20,000

Int. No. 234B - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Citizen Support - \$10,500

Int. No. 234C - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Cultural Development - \$10,500

Int. No. 234D - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Community Beautification - \$9,000

Int. No. 234E - Resolution Of Budgetary Intent - Health Benefits

Int. No. 234 - Adoption Of The Budget Estimates For Municipal Purposes For The 2009-10 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

Int. No. 236 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

Int. No. 239 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2009 And Expiring June 30, 2010

Int. No. 240 - Amending The Municipal Code With Respect To Fees For Civil Service Examinations, As Amended

Int. No. 242 - Resolution Approving The 2009-10 Debt Limit For General Municipal Purposes

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 235 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010, And Appropriation Of Sums Set Forth Therein

Ordinance No. 2009-173
(Int. No. 197)

Int. No. 237 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

Cancellation Of Taxes And Charges

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

Int. No. 238 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

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

(A) These properties are owned by the City of Rochester.

Respectfully submitted,
Carolee A. Conklin (Abstained on Int. No. 210; voted against Int. Nos. 235 and 237)
Carla M. Palumbo (Abstained on Int. No. 234C)
Lovely A. Warren
FINANCE COMMITTEE

<u>S.B.L.#</u> <u>Address</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.760-1-50.001 480 Smith St	NH	2009	\$ 5,076.12
105.750-2-6.002 900 W. Broad St	NH	2009	21,474.46
105.760-1-57.001 524 Oak St	NH	2009	<u>9,428.72</u>
Grand Total			\$35,979.30

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

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.

Ordinance No. 2009-173
Re: Cancellation or Refund of Erroneous Taxes and Charges

Section 3. This ordinance shall take effect immediately.

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$35,979.30.

Passed unanimously.

The legislation cancels 2008-09 taxes for the three parcels comprising the Rochester Rhinos Stadium property. In January, 2008, the City terminated the lease held by the Rochester Rhinos and assumed responsibility for the stadium. The properties are held by the City for public use and are exempt from taxation pursuant to Section 406 of New York State Real Property Tax Law. Although the lease was terminated prior to the taxable status date of February 1, 2008, notice was not sent to the Assessor and the stadium parcels remained taxable through the lease agreement with the Rhinos. The 2009-10 taxes have been cancelled by the Board of Assessment Review and the Assessor has changed the taxable status of the properties in light of the City ownership.

TO THE COUNCIL
Ladies and Gentlemen:

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$2,270,806.12.

Ordinance No. 2009-174
Re: Agreements for Appraisal Services

	<u>Accounts</u>	<u>Amounts</u>
City Council	227	\$2,220,587.48
Administrative	138	<u>50,218.64</u>
Total	365	\$2,270,806.12

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following firms for appraisal services as needed by departments:

These cancellations represent .964% of the taxes receivable as of July 1, 2008.

Department of Neighborhood and Business Development

Respectfully submitted,
Robert J. Duffy
Mayor

Firm: Bruckner, Tillett, Rossi, Cahill & Associates
Maximum Compensation: \$17,500
Source of funds: 2009-10 Budget of the Department of Neighborhood and Business Development
Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Attachment No. AI-67

Firm: Pogel, Schubmehl & Ferrara, LLC
Maximum Compensation \$7,500
Source of funds: 2009-10 Budget of the Department of Neighborhood and Business Development
Purpose: Commercial, industrial, and residential property appraisals related to acquisitions,

sales, easements, etc.

Firm: Midland Appraisal Associates, Inc.
Maximum Compensation \$7,500
Source of funds: 2009-10 Budget of the Department of Neighborhood and Business Development
Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Law Department

Firms: Midland Appraisal Associates, Inc.; Bruckner, Tillett, Rossi, Cahill & Associates; Pogel, Schubmehl & Ferrara, LLC
Maximum Aggregate Compensation: \$20,000
Source of funds: 2009-10 Budget of the Law Department
Purpose: Appraisal services for assessment proceedings; firms to be assigned based on work load and specific needs.

Department of Environmental Services

Firms: Midland Appraisal Associates, Inc.; Bruckner, Tillett, Rossi, Cahill & Associates; or Pogel, Schubmehl & Ferrara, LLC
Maximum Aggregate Compensation: \$20,000
Source of funds: 2009-10 Budget of the Department of Environmental Services
Purpose: Commercial, industrial and residential property appraisals for acquisitions, sales, easements, takings, etc.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-174
(Int. No. 198)

Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

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

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Department of Neighborhood and Business Development. Said amount shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Section 2. The sum of \$7,500 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC and Midland Appraisal Associates, Inc. for appraisal services as needed by the Department of Neighborhood and Business Development. Said amounts shall be funded from the 2009-10 Budget of the Department of Neighbor-

hood and Business Development.

Section 3. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC; Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Law Department for assessment proceedings. Said amount shall be funded from the 2009-10 Budget of the Law Department.

Section 4. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC; Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Department of Environmental Services. Said amount shall be funded from the 2009-10 Budget of the Department of Environmental Services.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

- Local Law No. 5,
Ordinance No. 2009-175,
Local Law No. 6,
Ordinance No. 2009-176,
Ordinance No. 2009-177,
Ordinance No. 2009-178 and
Ordinance No. 2009-179

Re: Amendments to the City Charter
And Code - Parking Operations and
Technical Changes

Transmitted herewith for your approval is legislation amending the City Charter and Code to accommodate the consolidation of parking operations, and to include various technical changes. This legislation will:

1. Amend the City Charter and the Municipal Code to provide for the proposed move of parking operations to the Finance Department, to establish the position of Parking Director to oversee the parking operations, and to update certain parking provisions of the Code which are outdated because of current operating practices and changes in procedures;
2. Amend various provisions of the City Charter and the Municipal Code to provide for official City notices to be sent out by first class mail with delivery confirmation instead of certified or registered mail. Delivery confirmation mail will provide the City with the time that the letter was picked up by the post office and the time that it was delivered to the address. In many cases, this proof of delivery will be a significant im-

provement over the certified or registered mail system, which often results in the failure of the addressee to pick up the mail from the post office if the addressee is not home at the time delivery is attempted;

3. Amend the Municipal Code the correct references in two sections of the Waterworks Code;
4. Amend the Graffiti Code to allow the City to remove graffiti on the first floor of any premises once a year, with the owner's consent. Presently, removal of graffiti by the City is limited to residential premises; and
5. Amend various sections of the Municipal Code to reflect the new titles and responsibilities in the Department of Neighborhood and Business Development. The Charter changes were approved by Local Law No. 4 of 2009 and this legislation will make the corresponding changes to the Code.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 5
(Int. No. 199)

Local Law Amending The City Charter With Respect To Parking

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 6-1, Department of Finance, by adding the words "a Bureau of Parking," after the words "a Bureau of Assessment," where they are contained in the second paragraph thereof. Section 6-1 is hereby further amended by adding the following new sentences to the end of the first paragraph thereof:

The Department shall also be responsible for the management of the parking functions of the City.

Section 2. Section 6-2 of the City Charter, Director of Finance, as amended, is hereby further amended by amending the second paragraph thereof to read in its entirety as follows:

The Director of Finance, through the Director of Parking and the Director of Parking Violations and Adjudication, shall have the supervision and control of the Parking/Municipal Code Violations Bureau. The Director of Finance shall appoint the Director of Parking Violations and Adjudication and, subject to the restrictions of Article 2-B of the Vehicle and Traffic Law relating to the Parking Violations Bureau, such number of deputy officers and hearing examiners as he or she deems necessary.

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

§ 6-6. Bureau of Parking.

- A. There shall be a Bureau of Parking, the head of which shall be the Director of Parking. The Director of Parking shall be responsible for the administration and supervision of on-street parking and municipal parking facilities; the installation, maintenance and collection of revenue from parking meters; the supervision of parking monitors; and the adjudication of parking infractions and municipal code violations.
- B. There is established in the Department of Finance an operating unit known as the Parking/Municipal Code Violations Bureau, which shall be continued within the Bureau of Parking. The head of the unit shall be the Director of Parking Violations and Adjudication, who shall direct the assigned staff and supervise the adjudication programs.
- C. The Parking Violations Bureau is authorized to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations. The unit shall have all of the functions, powers and duties granted in Article 2-B of the Vehicle and Traffic Law and shall operate in compliance with that Article.
- D. The Parking Violations Bureau is authorized to hear and determine complaints of violations of Article 7 of the Agriculture and Markets Law or of any local law or ordinance relating to the licensing, identification and control of dogs, pursuant to and in accordance with Section 236(3) of the Vehicle and Traffic Law.
- E. The Municipal Code Violations Bureau shall hear and determine complaints of Municipal Code violations as authorized by the Rochester City Court, pursuant to and in accordance with Chapter 417 of the Laws of 1969, as amended by Chapter 802 of the Laws of 1982.

Section 4. Section 2-18 of the City Charter, Code of Ethics, as amended, is hereby further amended by deleting the titles "Director of Parking Violations" and "Municipal Parking Coordinator" from the chart contained in subsection G(1) therein and by inserting in said chart after the title "Deputy City Assessor" the titles "Parking Director" and "Director of Parking Violations and Adjudication".

Section 5. Section 8A-3 of the City Charter, Issuance of appearance tickets, as amended, is hereby further amended by deleting the words "Rochester Police Department" where they are contained in Subsection A thereof and by insert-

ing in their place the words "Department of Finance".

Section 6. This local law shall take effect on July 1, 2009.

Passed unanimously.

Ordinance No. 2009-175
(Int. No. 200)

Amending The Municipal Code With Respect To Parking

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

Section 1. The Municipal Code, as amended, is hereby further amended by deleting the words "Municipal Parking Coordinator" in all places where they appear therein and by inserting in their place the words "Parking Director".

Section 2. Section 111-103 of the Municipal Code, Definitions, as amended, is hereby further amended by changing the definition of "PARKING STICKER" to "PARKING TAG" and by deleting the word "sticker" in said definition and by inserting in its place the word "tag".

Section 3. Section 111-107 of the Municipal Code, Fees for use of individual parking spaces, as amended, is hereby further amended by deleting the words "weekly and monthly" where they appear in the first sentence of Subsection C thereof, and by deleting the word "sticker" or "stickers" in each place that they appear therein and by inserting in their place the word "tag" or "tags".

Section 4. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended herein, is hereby further amended as follows:

- (a) Subsection A(3) is hereby repealed.
- (b) The introductory to Subsection A(4) is hereby amended to read in its entirety as follows:
 - (4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday parking shall be as follows:
- (c) Subsections A(4)(c) and A(6)(d) are hereby repealed.
- (d) The final sentence of Subsection A(6)(h) is hereby amended to read in its entirety as follows:

The Parking Director is authorized to establish rules and regulations to provide for monthly parking by authorized City employees in the High Falls and South Avenue Garages in accordance with collective bargaining agreements

approved by the City.

- (e) Subsection A(9) is hereby repealed.
- (f) Subsection C is hereby amended to read in its entirety as follows:
 - C. Parking validation program. The Parking Director, subject to approval by the Mayor, may establish a parking validation program with area businesses whereby the parking patrons of those businesses may obtain a parking validation ticket for parking which is then billed to the business by the garage operator after the parking patron enters the validation ticket into the revenue control equipment or pays the cashier according to the regular garage rate for the time the parking space was used by the parking patron.
- (g) Subsection E is hereby amended by deleting the words "weekly and" where they appear therein.

Section 5. The body of Section 111-120 of the Municipal Code, Lot tickets, is hereby amended to read in its entirety as follows:

If the operator of a vehicle parked in a City garage loses his or her time-stamped ticket, the vehicle operator will be charged the maximum rate allowable within the above schedule.

Section 6. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Law No. 6
(Int. No. 201)

Local Law Amending The City Charter With Respect To The Use Of Certified Or Registered Mail

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 following sections by deleting the words "certified mail, return receipt requested," or the words "registered or certified mail" or the words "certified mail" in each place they appear therein and by inserting in their place the words "first class mail with delivery confirmation":

- § 3-15. Abatement of nuisances.
- § 6-74.1. Income and expense information.
- § 6-92. Departmental charges.
- § 7-10. Cleaning of sidewalks.
- §10-9. Enforcement of Code violations.
(As amended by Local Law No. 4 of 2009).

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-176
(Int. No. 202)

Amending The Municipal Code With Respect To The Use Of Certified Or Registered Mail

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

Section 1. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "certified mail, return receipt requested," or the words "certified mail return receipt requested," or the words "registered or certified mail, return receipt requested," or the words "certified mail" in each place they appear therein and by inserting in their place the words "first class mail with delivery confirmation":

Section 40-11. Charges and hearings: suspension, revocation or cancellation of registration and/or license.

Section 47A-6. Permit procedures.

Section 47A-16. Orders to demolish.

Section 50-16. Charges and hearings, suspension, revocation or cancellation of licenses and/or registrations.

Section 90-15. Junked, abandoned or unlicensed vehicles.

Section 97-25. Service of notices and orders.

Section 2. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "registered mail" or the words "registered mail, return receipt requested," in each place they appear therein and by inserting in their place the words "first class mail with delivery confirmation":

Section 47A-16. Orders to demolish.

Section 76-6. Application for Official Map amendment and Official Map variance.

Section 87-8. Rules and regulations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-177
(Int. No. 203)

Amending Chapter 23 Of The Municipal Code, Waterworks

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

Section 1. Section 23-29 of the Municipal Code, Fire hydrants, as amended, is hereby further amended by amending the first two full sentences of subsection B thereof to read in their entirety as follows:

A monthly fee shall be charged for each hydrant permit pursuant to § 23-37E(1) and (2), and a refundable deposit shall be required pursuant to § 23-37E(3) for each nozzle, wrench, meter and reduced pressure zone backflow prevention device taken. In addition, the applicant shall pay either the minimum hydrant water consumption charge pursuant to § 23-37E(2) or a metered water consumption charge at the regular metered consumption rates set forth in § 23-37A(1), at the discretion of the Director.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-178
(Int. No. 204)

Amending Chapter 90 Of The Municipal Code Relating To Graffiti Removal

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

Section 1. Section 90-19 of the Municipal Code, Graffiti, is hereby amended by deleting the word "residential" where it appears in subsection D(2)(b) thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-179
(Int. No. 205, As Amended)

Amending The Municipal Code With Respect To The Department Of Neighborhood And Business Development

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

Section 1. Section 13A-11 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by repealing C thereof.

Section 2. The Municipal Code, as amended, is hereby further amended by deleting the words "Department of Community Development" in all places where they appear therein and by inserting in their place the words "Department of Neighborhood and Business Development". The Municipal Code, as amended, is hereby further amended by deleting the words "Commissioner of Community Development" in all places where they appear therein and by inserting in their place

the words "Commissioner of Neighborhood and Business Development".

Section 3. The Municipal Code, as amended, is hereby further amended by deleting the words "Bureau of Zoning" in all places where they appear therein and by inserting in their place the words "Bureau of Planning and Zoning". The Municipal Code, as amended, is hereby further amended by deleting the words "Director of Zoning" in all places where they appear therein and by inserting in their place the words "Director of Planning and Zoning".

Section 4. Section 39-222 of the Municipal Code, Fees for certificates of occupancy, as amended, is hereby further amended by repealing the second sentence of Subsection B thereof, and by amending Subsections E and G thereof to read in their entirety as follows:

E. The fee to renew a certificate of occupancy when required by §90-16A of the Municipal Code shall be the same as set forth in Subsection C, except that the renewal fee shall not exceed \$100.

G. The fee for a certificate of occupancy when required for transfer of title as per §90-16A(2)(a) of the Municipal Code shall be the same as in Subsection C.

Section 5. Section 39-412 of the Municipal Code, Inspection, is hereby amended by deleting the word "Director" in each place where it appears therein and by inserting in its place the word "Commissioner".

Section 6. Section 40-5 of the Municipal Code, as amended herein, is hereby further amended by deleting the words "Chief Licensed Plumbing Inspector and other" where they appear therein.

Section 7. Section 49-2 of the Municipal Code, Definitions, as amended herein, is hereby further amended by repealing the definition of "Chief Inspector".

Section 8. Section 52-2 of the Municipal Code, as amended, is hereby further amended to read in its entirety as follows:

Section 52-2. Enforcement.

A. Notwithstanding the powers of other City officials to enforce Code provisions, the Commissioner of Neighborhood and Business Development shall enforce the Refuse and Sanitation Codes, Streets Code, Property Conservation Code, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Zoning Code, Health Ordinance and Anti-Litter Ordinance of the City of Rochester and any other state or local law, ordinance, rule or regulation enforced by the Department.

B. The Commissioner of Neighborhood and Business Development, in enforcing the pro-

visions of the Refuse and Sanitation Codes, Streets Code, Property Conservation Code, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Zoning Code, Health Ordinance and Anti-Litter Ordinance of the City of Rochester and any other state or local law, ordinance, rule or regulation enforced by the Department, shall have the power to enter, examine and inspect, or cause to be examined and inspected, and to investigate or cause to be investigated, vacant lots, yards, courts and buildings in the City to determine which are in violation of any state or local law, ordinance, rule or regulation and/or threaten the safety, health, comfort and general welfare of the inhabitants of the City, and to seek warrants where such are constitutionally required.

C. The Commissioner of Neighborhood and Business Development may enforce violations in City Court or by bringing an action or special proceeding for injunctive relief in Supreme Court, and violations may be referred to the Municipal Code Violations Bureau as authorized in the Municipal Code.

Section 9. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "Director or" or "Director or the" or "Director or his or her designee or the" or "NSC Director or his or her designee or the" in each place they appear therein before the word "Commissioner":

Section 52-4. Nuisances.

Section 52-5. Procedure for enforcement.

Section 10. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "NSC or" in each place they appear therein before the word "Department":

Section 52-5. Procedure for enforcement.

Section 52-6. Notices and orders.

Section 11. Section 52-9 of the Municipal Code, Definitions, as amended herein, is hereby further amended by repealing the definitions of "Director" and "NSC".

Section 12. Section 68-1 of the Municipal Code, Licenses and permits, as amended, is hereby further amended by amending the reference for the "Plumbing Code" from "Chapter 83" to "Chapter 40".

Section 13. Section 90-3 of the Municipal Code, Definitions, as amended herein, is hereby further amended by repealing the definitions of "Director" and "NSC".

Section 14. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended by amending Subsection

A(2)(e) to read in its entirety as follows:

- (e) A change of occupancy whereby a one-family dwelling is no longer occupied by the owner, or a spouse, child, sibling or parent of the owner. For one-family dwellings 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 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.

Section 15. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended by amending the first three sentences of Subsection B(4) to read in their entirety as follows:

The owner of a one-family dwelling who does not occupy the dwelling and whose dwelling is not occupied by a family member as required in Subsection A(2)(e) above may apply to the 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 that are not occupied by an owner or a family member as required in Subsection A(2)(e) above shall not be eligible for such a waiver.

Section 16. There is hereby added to the Municipal Code a new Section 90-21 to read in its entirety as follows:

§90-21 Fees for inspections.

- A. Purpose. The City of Rochester is required to conduct various types of property inspections. Often these inspections result in the issuance of a Notice and Order. While the majority of these Notice and Orders are complied with within a reasonable time, some can go on without compliance for several years. In order to properly manage these cases, the City employs an increased number of inspectors. In an effort to obtain some reimbursement for the cost of said inspections and to reduce the number of said cases, the inspection fees in this section will be applied as set forth herein.
- B. A \$100 inspection fee shall be assessed annually for any Notice and Order case where compliance has not been achieved within one year of the initial notice and order date.
- C. The fees in this section are in addition to and apart from any fines which may be issued for outstanding code violations.
- D. All fees not satisfied within sixty (60) days

of the due date shall be a lien against the property and shall, if unpaid on May 1, be added to the property taxes pursuant to § 6-94 of the City Charter.

Section 17. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "Director or" in each place they appear therein before the word "Commissioner" or the word "Commissioner's":

Section 90-4. Interpretations, procedural rules, regulations and forms.

Section 90-15. Junked, abandoned or unlicensed vehicles.

Section 90-16. Certificates of occupancy.

Section 90-17. Vacant properties.

Section 90-18. Responsibilities of owners.

Section 18. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "Director of NSC" or "NSC Director", or "Director" when referring to the Director of NSC, in each place they appear therein and by inserting in their place the word "Commissioner":

Section 90-33. Business permit required.

Section 90-34. Application.

Section 90-35. Inspections.

Section 90-37. Operation of businesses.

Section 90-39. Expiration of business permit.

Section 90-41. Denial of business permit.

Section 90-42. Revocation of business permit.

Section 90-70. Penalties for offenses.

Section 19. The following sections of the Municipal Code, as amended herein, are hereby further amended by deleting the reference "NSC" in each place it appears therein and by inserting in its place the words "the Department":

Section 90-34. Application.

Section 90-35. Inspections.

Section 20. Section 90-40 of the Municipal Code, Transfer of business permit, as amended, is hereby further amended by deleting the reference "NSC" where it appears therein and by inserting in its place the word "Department".

Section 21. Section 120-208 of the Municipal Code, Definitions, as amended herein, is hereby further amended by amending the definition of DIRECTOR OF ZONING to read in its entirety as follows:

DIRECTOR OF PLANNING AND ZONING - The Director of Planning and Zoning of the City of Rochester, or his or her designee.

Section 22. Section 111-83 of the Municipal Code, Traffic Control Board, as amended herein, is hereby further amended by deleting the words "Commissioner of Economic Development" where they are contained therein and by inserting in their place the words "Director of Finance".

Section 23. This ordinance shall take effect on July 1, 2009.

Underlined material added.

Passed by the following vote:

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

Nays - Councilmember Miller - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-8
Re: Appointment - Greater Rochester Sports Authority

Transmitted herewith for your approval is legislation confirming the appointment of Robert Bartosiewicz, CEO of CGI Communications, to the Greater Rochester Sports Authority. Mr. Bartosiewicz will fill the vacancy created by the recent resignation of Thomas R. Frey.

The GRSA, established by New York State Law, consists of three members, one of whom is appointed by the Mayor and subsequently confirmed by the Council; the other two members are appointed by the County Executive with confirmation by the County Legislature. Members serve until they are replaced or resign.

The GRSA, a not-for-profit public benefit corporation, manages Frontier Field, which is owned by Monroe County. The Authority oversees the operations of the stadium through an agreement with Beau Productions for day-to-day management.

Mr. Bartosiewicz' resume is on file for your review in the City Clerk's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-8
(Int. No. 206)

Resolution Approving Appointment To The Greater Rochester Sports Authority

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

Section 1. The Council hereby approves the appointment of Robert Bartosiewicz, Chief Executive Officer of CGI Communications, to the Greater Rochester Sports Authority. Mr. Bartosiewicz shall replace Thomas R. Frey, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-180
Re: Agreement - SMG, Festival Site Management

Transmitted herewith for your approval is legislation establishing \$16,000 as maximum compensation for an agreement with SMG/Blue Cross Arena, (Jeff Calkins, Manager) for management and promotion of the Riverside Festival Site. The cost of this agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

A similar agreement was authorized by Ord. No. 2008-241 in June 2008.

Management of the site includes the provision of a "green room" for use by talent, and oversight of the parking lot at the corner of Court Street and Exchange Boulevard during the summer season. The City-produced Party in the Park Thursday evening concert series will take place in this lot, as well as the City-sponsored Main Game and other events.

Oversight of the parking lot will include securing alternative parking space for displaced parkers, ensuring the lot is clearly marked and monitored during events, and providing routine maintenance prior to and immediately following events.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-180
(Int. No. 207)

Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

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

Section 1. The sum of \$16,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG for the management of the Riverside Festival Site. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect

immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-181
Re: Amendatory Agreement -
Northeastern Production
Systems, Inc., Summer
Concert Production

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Northeastern Production Systems, Inc., Henrietta (Raymond DiBiase, Jr., President), for additional production services related to the 2009 summer concert series. This amendment will increase maximum compensation by \$20,000 for a total of \$88,100. The additional cost will be funded from the 2009-10 Budget of the Bureau of Communications.

The original legislation, authorized in June 2007, established annual maximum compensation for a three-year agreement. However, since then, the concert venues changed, necessitating additional costs due to the lack of appropriate infrastructure at the new sites. The additional funds will be used for generators for electrical power for the 2009 "Party in the Park" concert series, Corn Hill Landing concert series and the 175 Rochester MusicFest at Brown Square Park.

Similar additional costs were added for the 2007-08 and 2008-09 (Ord. No. 2008-238) concerts. The funding sources, by year, are summarized below:

<u>Year</u>	<u>Original Amount</u>	<u>Amendatory Amount</u>	<u>Total Amount</u>
2007-08	\$63,000	\$20,000 (Ord. No. 2008-238)	\$83,000
2008-09	\$65,500	\$25,000 (Ord. No. 2008-238)	\$90,500
2009-10	\$68,100	\$20,000 (proposed)	\$88,100

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-181
(Int. No. 208)

Establishing Maximum Compensation For An Amendatory 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 \$20,000, or so much thereof as may be necessary, is hereby established as the additional compensation to be paid by the

City in the third year of an amendatory professional services agreement between the City and Northeastern Production Systems, Inc. for sound and lighting services for special and cultural events. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-182
Re: Agreement - Young Explosives
Corporation, Fireworks Displays

Transmitted herewith for your approval is legislation establishing \$52,000 as maximum compensation for an agreement with Young Explosives Corporation, Rochester (James Young, President), to provide aerial fireworks displays on July 4, 2009 and December 31, 2009. The cost of this agreement will be funded from the 2008-09 (\$25,000) and 2009-10 (\$27,000) Budgets of the Bureau of Communications.

A similar agreement was authorized by Ord. No. 2008-240 in June 2008.

The July 4 display will be the largest Independence Day show in the area. This year's display will extend for about 22 minutes. The New Year's Eve display will be incorporated into the Big Wish New Year's Eve celebration in downtown Rochester, and signal the end of the year-long 175th Anniversary Celebration. This display will extend for about 18 minutes. Both displays will be launched over the Genesee River from the entrance ramp to route I-490 eastbound and the Genesee River Walk. Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1.0 million of liability insurance.

Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-182
(Int. No. 209)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for Fourth of July and New Year's Eve aerial fireworks displays. Of said amount, \$25,000 shall be funded from the 2008-09 Budget of the Bureau of Communications and \$27,000 shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-183
Re: Agreement - Corn Hill Navigation,
Cruises and Concerts

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with The Corn Hill Waterfront & Navigation Foundation for a series of free cruises and production of a concert series at Corn Hill Landing. The cost of this agreement will be financed from the 2008-09 (\$20,000) and 2009-10 (\$10,000) Budgets of the Bureau of Communications.

The series of eleven cruises on the *Mary Jemison* will focus on recent and visionary plans for development and preservation of the Genesee River Extension of the Erie Canal in the city. The series will take place during the City of Rochester's 175th Anniversary *Coming Home* event in September and October 2009. The City's contribution will leverage an additional \$20,000 in matching funds from the Gleason Foundation.

The River City Rhythms Concert Series will take place at Corn Hill Landing on five consecutive Friday evenings, beginning July 10. This series is a free, family-friendly outdoor music series which grew out of the 2007 "Friday Nights at the Landing" series produced by Corn Hill Navigation. Corn Hill Navigation will provide talent, vendors, and site management for the series. More than 7,500 attended this series in 2008.

Corn Hill Navigation is a not-for-profit corporation whose mission is to improve and sustain the Erie Canal and adjoining Genesee River for current and future generations through awareness, education and enjoyment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-68

Ordinance No. 2009-183
(Int. No. 210)

Establishing Maximum Compensation For An Agreement For Cruises And Concerts

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and The Corn Hill Waterfront & Navigation Foundation for free cruises and a concert series at Corn Hill Landing. Of said amount, \$20,000 shall be funded from the 2008-09 Budget of the Bureau of Communications and \$10,000 shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Conklin abstained because she serves on the Board of Directors of Corn Hill Navigation.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-184,
Ordinance No. 2009-185,
Ordinance No. 2009-186 and
Ordinance No. 2009-187
Re: Budget Amendments - \$50,000

Transmitted herewith for your approval are amendments to the Proposed 2009-10 Budget that transfer \$50,000 from the Contingency Account to various departments to enhance opportunities in four major areas: Youth Development, Citizen Support, Cultural Development, and Community Beautification. Funding will be provided for the following initiatives:

Youth Development \$20,000

CONEA Kid's Fair - \$4,500 to support a community fair in late August or early September to be run by CONEA. Of a total budget of approximately \$9,000, the City's contribution will go toward the purchase of school supplies, t-shirts and trophies.

Courtside Scouting - \$3,000 to provide a second year of funding for this important activity, which showcases the basketball talents of local youth to coaches from junior colleges as well as, NCAA Division II and III schools. The funds will pay for ads, t-shirts, referees, rental, and other miscellaneous expenses.

High School Leadership Forum - \$3,000 to Leadership Rochester to deliver a youth-training pro-

gram that brings together 20 city and suburban youth to address issues that impact our community. The sessions will take place between September and May.

Youth Fashion Show - \$3,000 to support for the second year an annual pageant for youth ages 15 to 18. The event is in its seventh year of existence and serves 40 to 45 youth who, over four hours a week for six weeks, learn poise, stage presentation, and the elements of fashion in preparation for the fashion show. The three-hour event will be held in late summer, when the youth compete in four fashion categories before judges comprised of local leaders of the fashion industry.

Tuck-Murphy Basketball Tournament - \$2,500 to support this annual event that encourages sportsmanship and athletic competition. The event is organized by adult volunteers and held in City School District facilities.

Pop Warner League Monroe County Cowboys - \$2,000 to provide start-up support for this new entry in the Pop Warner league. Total budget requirements are estimated at \$18,000 and fundraising is expected to be complete prior to the start of the fall season.

Slam High Poetry Program - \$2,000 to support a poetry/spoken word development program for youth sponsored by Writers & Books. The participants hone their literary skills and compete locally and nationally in poetry contests.

Citizen Support \$10,500

Community Anti-Violence Program - \$7,000 to the Gay Alliance of the Genesee Valley (GAGV) to launch a comprehensive outreach program so service providers and victims of violence can be informed about seeking and obtaining assistance that is needed. This effort is part of the larger anti-violence efforts of GAGV, which include direct services to victims.

Senior Citizen Transportation - \$2,000 to Baden Street Settlement House to expand their abilities to transport senior citizens to a variety of events that can enrich their lives. Lack of mobility is among the most serious problems facing many of our seniors, resulting in isolation and loss of interest in social activities.

Refugee Sustainability Garden - \$1,000 to support a collaborative effort undertaken by the Maplewood Neighborhood Association, Refugee Mission Group, Geysens Nursery, Foodlink, Harris Seeds, Jefferson High School, and former Councilmember Robert J. Stevenson, to assist recently relocated Burmese refugees and enable them to engage in the agrarian practices that formed the core of their life style before relocation. The first garden has been planted at Geysens on Mt. Read Blvd; a second garden is being planned for the former subway bed at Lexington Avenue.

Outreach for FIS in Beechwood - \$500 to support

a community gathering that will explain the goals of the Focused Investment Strategy (FIS) efforts and build community support for participation therein. As we move ahead with FIS, it will be critical to ensure that citizens are engaged and informed about projects and plans. Social events are among the most effective ways to accomplish such citizen participation.

Cultural Development \$10,500

Downtown Community Forum - \$4,500 to present a series of interactive programs between July and December 2009 on topics of interest and concern to citizens in a nonpartisan, nonsectarian setting. Since 1985, DCF topics have sparked civic engagement by providing thought-provoking presenters who challenge Rochesterians to consider the real-time issues facing our community.

Development of Regional Strategies for Arts Organizations - \$3,000 to the Arts & Cultural Council of Greater Rochester to assist in their development of a regional strategy in support of the arts. As fiscal realities have reduced the resources available to arts groups, it is imperative that a broad look be undertaken as to how best to utilize the available resources and to ensure the survival of critical arts institutions throughout the community.

North Winton Village Arts Festival - \$2,000 to support this annual community festival that both embraces the arts and builds community throughout the neighborhood.

Lyell Avenue Music Fest - \$1,000 to support this important community event. For the past ten years, this festival has been organized by volunteers and requires an annual budget of approximately \$10,000. The City provides further assistance to the Music Fest by closing the street to traffic during the event.

Community Beautification \$9,000

In recognition of the City's 175th birthday, it is important to continue to make the City more physically attractive and to support those organizations that are committed to making Rochester a more pleasant place to live. To accomplish this, a total of \$9,000 will be provided for Community Gardens, Banners, Lighting, and Signage. Those funds will be allocated to: North Winton Village (\$2,000); Marketview Heights Collective Action (\$1,500); Charlotte Community Association (\$1,000); Park Avenue Revitalization Committee (\$1,000); Sector 9 (\$1,000); Sector 10 (\$1,000); Sector 3 (\$500); Upper Monroe Neighborhood Association (\$500); Highland Neighbors (\$500).

Respectfully submitted, Gladys Santiago President	William F. Pritchard Vice President
Carolee A. Conklin Councilmember At-Large	John F. Lightfoot Councilmember At-Large

Adam C. McFadden
Councilmember
South District

Dana K. Miller
Councilmember
At-Large

Carla M. Palumbo
Councilmember
Northwest District

Elaine M. Spaul
Councilmember
East District

Lovely A. Warren
Councilmember
Northeast District

Ordinance No. 2009-184
(Int. No. 234A)

**Amending The Proposed 2009-10 Budget Of
The City Of Rochester In Regard To Youth
Development - \$20,000**

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

Section 1. The Proposed 2009-10 Budget of
the City of Rochester is hereby amended by trans-
ferring \$20,000 from the Contingency Account to
the Department of Recreation and Youth Services
for support of the following youth development
activities:

CONEA Kid's Fair, \$4,500; Courtside Scout-
ing, \$3,000; High School Leadership Forum,
\$3,000; Mr. & Mrs. Trendsetter Fashion Show,
\$3,000; Tuck-Murphy Basketball Tournament,
\$2,500; Pop Warner League Monroe County
Cowboys, \$2,000; Slam High Poetry Program,
\$2,000.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

Ordinance No. 2009-185
(Int. No. 234B)

**Amending The Proposed 2009-10 Budget Of
The City Of Rochester In Regard To Citizen
Support - \$10,500**

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

Section 1. The Proposed 2009-10 Budget of
the City of Rochester is hereby amended by trans-
ferring a total of \$15,000 from the Contingency
Account for Citizen Support programs as follows:

\$7,000 to the Police Department for develop-
ment of a Community Anti-Violence Program
by the Gay Alliance of the Genesee Valley;

\$2,000 to the Department of Recreation &
Youth Services for the Baden Street Senior
Citizen Transportation Program;

\$1,500 to the Department of Neighborhood &
Business Development, of which \$1,000 shall
be for the Refugee Sustainability Garden in
Maplewood, and \$500 for community outreach

in Beechwood.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

Ordinance No. 2009-186
(Int. No. 234C)

**Amending The Proposed 2009-10 Budget Of
The City Of Rochester In Regard To Cultural
Development - \$10,500**

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

Section 1. The Proposed 2009-10 Budget of
the City of Rochester is hereby amended by trans-
ferring a total of \$10,500 for Cultural Develop-
ment programs from the Contingency Account as
follows:

\$7,500 to the Department of Neighborhood &
Business Development, of which \$4,500 shall
be for the Downtown Community Forum lec-
ture series, and \$3,000 for the development of
regional arts strategies by the Arts & Cultural
Council of Greater Rochester;

\$3,000 to the Administration - Communica-
tions, of which \$2,000 shall be for the North
Winton Village Arts Festival, and \$1,000 for
the Lyell Avenue Music Fest.

Section 2. This ordinance shall take effect
immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Palumbo abstained because she is
a member of the Board of Directors of the Arts
and Cultural Council.

Ordinance No. 2009-187
(Int. No. 234D)

**Amending The Proposed 2009-10 Budget Of
The City Of Rochester In Regard To Commu-
nity Beautification - \$9,000**

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

Section 1. The Proposed 2009-10 Budget of
the City of Rochester is hereby amended by trans-
ferring a total of \$9,000 for Community Beautifi-
cation programs from the Contingency Account as
follows:

\$8,000 to the Department of Neighborhood &
Business Development, of which \$2,000 shall
be for the North Winton Village gardens;

\$1,500 for the Marketview Heights Collective Action Project; \$1,000 for the Charlotte Community Association beautification; \$1,000 for Sector 9 beautification; \$1,000 for Sector 10 beautification; \$500 for Sector 3 beautification, \$500 for Upper Monroe Neighborhood Association beautification, and \$500 for the Highland Neighbors banners.

\$1,000 to the Department of Environmental Services for the Park Avenue Revitalization Committee's holiday lighting program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-9
Re: Resolution of Budgetary Intent -
Health Benefits

Transmitted herewith for your approval is a resolution of budgetary intent regarding the possibility of providing additional health benefits to individuals being laid off from City employment. As you will recall, last June, City Council approved a budget amendment that provided an additional three months of coverage for health insurance to laid-off City employees. This was done in recognition of the substantial number of positions that were eliminated (70) and the number of layoffs that were anticipated (20).

In the Proposed 2009-10 Budget, a net of 53 positions are eliminated and significant layoffs are again possible. As a result of Council's amendment last year, the City has continued to extend the coverage for health benefits to nine months. In the current economic climate, it is quite possible that some of our former employees will not be able to find new jobs even in that extended period of time.

The City's current fiscal circumstances do not allow us the luxury of funding an additional extension, despite our genuine concern for those whose positions have been eliminated for budgetary reasons. However, we would like to monitor the situation and revisit the issue during 2010.

The proposed resolution requests that the Mayor report to City Council in January on the number of laid-off employees who are still utilizing the City's health care coverage. At that time, Council can review the fiscal situation and make a determination if any additional extension of benefits is warranted and possible

Respectfully submitted,
Carolee A. Conklin
Chair
Finance Committee

Gladys Santiago
President

Resolution No. 2009-9
(Int. No. 234E)

Resolution of Budgetary Intent - Health Benefits

WHEREAS, the City of Rochester has provided health insurance benefits to its employees during the course of their employment, and

WHEREAS, such benefits are of critical importance to ensuring the health and general welfare of our employees, and

WHEREAS, current fiscal realities have required the elimination of many positions, a fact that will result in the loss of employment by numerous City staff, and

WHEREAS, along with the loss of employment, the loss of associated health benefits would cause a substantial hardship for such laid-off employees and their families, and

WHEREAS, the City has provided six months of health coverage to employees who are being laid off, and

WHEREAS, in 2008, the City Council amended the budget to provide an additional three months of health insurance coverage in recognition of the difficult economic climate, and

WHEREAS, the economic climate has not improved substantially; in fact, the unemployment rate has continued to increase to dire levels, and

WHEREAS, while the City Council would like to further extend the health insurance coverage for laid-off City staff, current fiscal realities do not permit us to do so at this time.

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

Section 1. The Mayor is hereby requested to provide to City Council in January a report that shall include the number of City staff who were actually laid off as a result of the adoption of the 2009-10 Budget, as well as the number of those who are still using City-provided health insurance benefits as of that time.

Section 2. The Mayor is also requested to provide to Council a recommendation that balances the scope of the need for continued health benefits for those laid-off City employees with the fiscal circumstances of the City at that time.

Section 3. The City Council shall review the Mayor's recommendation and the City's fiscal circumstances at that time and shall determine whether any extension of health insurance benefits is warranted or possible.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-188,
 Ordinance No. 2009-189,
 Local Improvement Ordinance No. 1609,
 Ordinance No. 2009-190,
 Ordinance No. 2009-191,
 Ordinance No. 2009-192 and
 Ordinance No. 2009-193
 Re: 2009-10 Budget

Transmitted herewith for your approval is legislation relating to the 2009-10 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. South Avenue/Alexander Street Open Space District
 - f. Downtown Special Services District (previously Downtown Guides)
 - g. Downtown Enhancement District
 - h. High Falls Improvement District
 - i. Atlantic Avenue Improvement District
 - j. St. Paul Street Streetscape
 - k. Upper East Alexander Refuse
5. Authorize certain fee increases and Code changes.

Details of the above actions related to the 2009-10 proposed budget of the City submitted to City Council on May 15, 2009 are summarized below:

1. Total appropriations of \$1,151,556,717 allocated for the City and the School District:

	<u>Proposed</u> <u>2009-10</u>	<u>Dollar</u> <u>Difference</u>
	Amended <u>2008-09</u>	Percent <u>Difference</u>
City	\$ 452,153,500	\$-28,846,900
	\$481,000,400	-6.0
School	<u>699,403,217</u>	<u>8,065,772</u>
	<u>691,337,445</u>	1.2
Total	\$1,151,556,717	\$-20,781,128
	\$1,172,337,845	-1.8

Total non-tax revenue distributed between the City and the District:

	<u>Proposed</u> <u>2009-10</u>	<u>Dollar</u> <u>Difference</u>
	Amended <u>2008-09</u>	Percent <u>Difference</u>
City	\$410,569,245	\$-29,065,765
	\$439,635,010	-6.6
School	<u>586,258,217</u>	<u>7,470,272</u>
	<u>578,787,945</u>	1.3
Total	\$996,827,462	\$-21,595,493
	\$1,018,422,955	-2.1

2. Total tax levies of \$162,872,900 for the City and City School District:

	<u>Proposed</u> <u>2009-10</u>	<u>Dollar</u> <u>Difference</u>
	Amended <u>2008-09</u>	Percent <u>Difference</u>
Tax Revenue	\$154,729,255	\$ 814,365
	\$153,914,890	0.5
Tax Reserve	<u>8,143,645</u>	<u>-814,365</u>
	<u>8,958,010</u>	-9.1
Tax Levy	\$162,872,900	\$ 0
	\$162,872,900	0.0

3. Total appropriations for the Local Works fund of \$17,347,500 and total assessments of \$15,782,200:

	<u>Proposed</u> <u>2009-10</u>	<u>Dollar</u> <u>Difference</u>
	Amended <u>2008-09</u>	Percent <u>Difference</u>
Street Maintenance	\$ 3,802,225	\$-304,080
	\$ 4,106,335	-7.4
Sidewalk Repair	1,588,778	-72,816
	1,661,594	-4.4
Roadway Plowing	8,129,833	283,695
	7,846,138	3.6
Sidewalk Plowing	<u>2,261,334</u>	<u>108,101</u>
	<u>2,153,233</u>	5.0
Total	\$15,782,200	\$ 14,900
	\$15,767,300	0.1

4. The budgets for the various street malls and the Public Market were approved on February 17, 2009. The budgets for the open space, lighting, Cascade and Norton Streetscapes, and High Falls Business District were approved on April 14, 2009. The budgets for the Downtown Enhancement District, Downtown Special Services District (previously known as Downtown Guides), East Avenue and Alexander Street Entertainment District, and parking lots were approved on May 12, 2009. The assessments required for the various programs consist of the following:

	Proposed <u>2009-10</u>	Dollar <u>Difference</u>	Percent <u>Difference</u>
	Amended <u>2008-09</u>		
Street Malls	\$ 81,285	\$ 3,076	
	\$ 78,209		3.9
Parking Lots	72,345	6,235	
	66,110		9.4
Public Market	36,276	117	
	36,159		0.3
Lighting and Sidewalks	39,557	-1,142	
	40,699		-2.8
Open Space Districts	6,500	0	
	6,500		0.0
Downtown Special Services	449,941	7,972	
	441,969		1.8
Downtown Enhancement	553,200	12,300	
	540,900		2.3
High Falls Improvement District	25,000	0	
	25,000		0.0
Atlantic Avenue Improvement	3,045	-18,333	
	21,378		-85.8
St. Paul Street Streetscape	20,649	0	
	20,649		-0.0
Upper East/Alexander Refuse	17,930	17,930	
	0		100.0

5. The proposed additions to the tax roll consist of the following charges:

	Proposed <u>2009-10</u>	Dollar <u>Difference</u>	Percent <u>Difference</u>
	Amended <u>2008-09</u>		
Delinquent Refuse	\$ 565,688	\$ 3,090	
	\$ 562,598		0.5
Delinquent Water	6,809,125	337,750	
	6,471,375		5.2

Code Enforcement	44,373	-8,615
	52,988	-16.3
Supplemental and Omitted Taxes	176,818	1,062
	175,756	0.6
Local Improvements	17,166	-2,490
	19,656	-12.7
Encroachments	4,375	0
	4,375	0.0
Rehabilitation/Demolition	264,732	44,001
	220,731	19.9
Code Violations	1,191,568	261,767
	929,801	28.2
Arnold Park Monuments	7,055	0
	7,055	0.0

6. Amending the City Code for proposed departmental fee and fine increases will result in incremental revenues of approximately \$473,300 to the following Departments:

Neighborhood and Business Development	\$470,100
Bureau of Human Resource Management	<u>3,200</u>
	\$473,300

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-188
(Int. No. 234, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2009-10 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

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

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2009 to June 30, 2010, providing for the expenditure of \$452,153,500, 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 2009-10 are hereby authorized to be expended and the sum of \$452,153,500 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk Administration	\$ 1,816,900	[9,986,400]	<u>9,989,400</u>
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Neighborhood and Business		
Development	[13,899,400]	<u>13,916,400</u>
Environmental Services	[79,614,500]	<u>79,615,500</u>
Finance	6,966,800	
Information Technology	4,308,700	
Law	1,867,000	
Library	11,153,500	
Recreation and Youth Services	[12,295,000]	<u>12,317,000</u>
Emergency Communications	10,520,500	
Police	[76,058,800]	<u>76,065,800</u>
Fire	42,070,500	
Undistributed Expenses	99,762,500	
Contingency	[10,152,800]	<u>10,102,800</u>
Cash Capital	39,151,000	
Debt Service	32,529,200	
Sub-total	\$452,153,500	
Tax Reserve	2,188,645	
Total	\$454,342,145	

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 2009-10 is hereby fixed and determined at \$410,569,245 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2009-10 providing for the raising of taxation on real estate for municipal purposes of the sum of \$43,772,900 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2009-10.

Section 6. This ordinance shall take effect on July 1, 2009.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-189
(Int. No. 236)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

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

Section 1. The sum of \$43,772,900, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2009 and expiring June 30, 2010 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, 2009 and expiring June 30, 2010.

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, 2009 and expiring June 30, 2010.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1609
(Int. No. 239)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2009 And Expiring June 30, 2010

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, 2009 to June 30, 2010; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2009 to June 30, 2010:

- 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 2009-10 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 2009-10 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, 2009 shall be \$15,782,200 consisting of \$3,802,255 for street and lot maintenance, \$1,588,778 for sidewalk repair, \$8,129,833 for roadway snow removal and \$2,261,334 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, 2009 and June 30, 2010, 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, 2009 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, 2009.

Passed unanimously.

Ordinance No. 2009-190
(Int. No. 240, As Amended)

Amending The Municipal Code With Respect To Fees For Civil Service Examinations

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

Section 1. Section 14-11 of the Municipal Code, Fee for civil service examinations, as amended, is hereby further amended by adding the following new sentence to the end thereof:

City employees [taking] applying for promotional examinations shall [be required to reimburse the City for the cost of the examination] pay a nonrefundable fee for both State and local examinations equivalent to the fee charged

to the City by New York State for promotional examinations.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory Nos. 235, 237 and 238 were voted on after Resolution No. 2009-10 was adopted.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-10
Re: 2009-10 Debt Limit

Transmitted herewith for your approval is legislation establishing the Debt Limit, and Debt Rollover and Debt Extension amounts for the 2009-10 Budget.

2009-10 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit and is further reduced by specific revenues attributable to bonded debt. The resulting Debt Limit for 2009-10 is \$17,831,000.

Attached is the 2009-10 Debt Authorization Plan, which calls for borrowing of \$17,746,000 in tax supported funds. The Plan also includes an additional \$9,639,000 supported by the City's Enterprise Funds (Water and Local Works).

Debt Rollover 2008-09 and 2007-08

The Debt Authorization Plans for the current and the two immediately prior fiscal years can remain open contingent upon the approval of the rollover amounts. This provides flexibility in the timing of authorizations which vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of unauthorized items in the debt plan that are no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2008-09: The Debt Limit for this year was \$16,855,000. Of that amount, \$8,196,000 has been authorized, leaving a balance of \$8,659,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2008-09 itemizes projects remaining for that year and the

details of the changes resulting from advanced funding.

2007-08: The Debt Limit for this year was \$34,363,700. Of that amount, \$24,445,700 has been authorized, leaving a balance of \$9,918,000. Approval of a rollover in that amount is requested. The plan was modified to include advance funding for Midtown Plaza acquisition and relocation costs as well as funding for the Fast Ferry payment. The attached Debt Authorization Plan for 2007-08 itemizes projects remaining for that year.

Time Limit Extensions for 2006-07 and 2005-06

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds, or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available. One-year extensions are requested for the following items based on programming and timing:

2006-07 Project

<u>Purpose</u>	<u>Amount</u>
R-1 Manhattan Square Park renovations	\$1,000,000
P-15 Dewey Avenue Fire House renovation	58,000
F-2 Hazardous Waste Remediation Brooks Landing	100,000
F-2 Hazardous Waste Remediation Emerson Street	462,000
F-2 Hazardous Waste Remediation contaminated sites within the city	142,000
G-8 Market Rate Downtown Development downtown development	230,000
G-8 Market Rate Housing Acquisition housing development	<u>1,000,000</u>
Total 2006-07 Extension	\$2,992,000

2005-06 Project

<u>Purpose</u>	<u>Amount</u>
G-4 Parking Garage Improvements garage renovations	\$ 100,000
G-8 Historic Aqueduct Redevelopment Broad St. aqueduct renovation	387,000
G-8 Oak View Hill Development market rate housing infrastructure	865,000
T-9 Broad Street Subway Tunnel tunnel rehab - Brown to Exchange Streets	934,000
F-2 Hazardous Waste Remediation contaminated sites within the city	30,000
G-7 Waterfront Planning and Acquisition Port development	<u>1,400,000</u>
Total 2005-06 Extensions	\$3,716,000

Each of these projects depends upon the partnership of developers and the cooperation of other

governments. Like any business venture, delays are inevitable when financial or regulatory obstacles delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-69

Resolution No. 2009-10
(Int. No. 242)

Resolution Approving The 2009-10 Debt Limit For General Municipal Purposes

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

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond ratings; 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 2009-10 to \$17,831,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2007-08 and 2008-09 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2006-07 relating to renovations to Manhattan Square Park, Dewey Avenue fire station, hazardous waste remediation at Brooks Landing, Emerson Street, and contaminated City sites, market rate downtown housing development and general market rate housing development, and for fiscal year 2005-06 relating to parking garage improvements, Historic Aqueduct Redevelopment, Oak View Hill Development, Broad Street Subway Tunnel, hazardous waste remediation, and waterfront planning and acquisition.

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 is-

sued 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.

Ordinance No. 2009-191
(Int. No. 235)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010, 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, 2009 to June 30, 2010, providing for the expenditure of \$699,403,217, 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 2009-10 are hereby authorized to be expended and the sum of \$699,403,217 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$658,986,386
Cash Capital	15,027,738
Debt Service	<u>25,389,093</u>
Subtotal	699,403,217
Tax Reserve	<u>5,955,000</u>
Total	\$705,358,217

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2009-10 is hereby fixed and determined at \$586,258,217 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2009-10 providing for the raising of taxation on real estate for school purposes of the sum of \$119,100,000 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2009.

Passed by the following vote:

Ayes - President Santiago, Councilmember Lightfoot, McFadden, Palumbo, Pritchard, Spaull - 6.

Nays - Councilmembers Conklin, Miller, Warren - 3.

Ordinance No. 2009-192
(Int. No. 237)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

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

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2009 and expiring June 30, 2010 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, 2009 and expiring June 30, 2010.

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, 2009 and expiring June 30, 2010.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Ordinance No. 2009-193
(Int. No. 238)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

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, 2009 and expiring June 30, 2010 are hereby in all respects confirmed:

Street and Lot Maintenance	\$3,802,255.00
Roadway Snow Removal	8,129,833.00
Sidewalk Snow Removal	2,261,334.00
Hazardous Sidewalk Repair	1,588,778.00
Delinquent Refuse	565,687.45
Delinquent Water Charges	6,809,124.50
Supplemental Taxes	175,740.13
Omitted Taxes	1,077.90
Street Malls	81,285.00
Arnold Park Monuments	7,055.29
Parking Lots	72,345.00
Code Enforcements	44,372.50
Code Violations	1,194,568.00
Local Improvements	17,165.40
Downtown Enhancement	553,200.00
Public Market Plowing	5,406.98

Public Market Security	30,868.42
Encroachment Fees	4,375.00
Rehabilitation Charges	254,736.61
Demolition	9,995.00
Downtown Special Services	449,941.00
Lyell Avenue Street Lights - District I	2,458.30
Lyell Avenue Street Lights - District II	2,385.98
Wilson Blvd. Street Lights	440.22
Blossom Road Lights	609.42
Monroe Avenue Lights I	7,017.16
Monroe Avenue Lights and Sidewalk II	9,495.08
Norton Street District	4,030.03
Cascade District	5,998.94
Lake Avenue Lights	3,507.19
High Falls Business Improvement District	25,000.00
South Avenue-Alexander Open Space	6,500.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	445.85
Rundel Park Lighting	3,168.68
Atlantic Avenue Landscape	3,045.12
Upper East Alexander Refuse	17,930.00

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
June 16, 2009

To the Council:

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

Int. No. 211 - Authorizing The Sale Of Real Estate

Int. No. 212 - Authorizing An Agreement For A Tenant Education Program

Int. No. 213 - Authorizing Agreements For The Emergency Shelter Grant Program, As Amended

Int. No. 214 - Approving A Lease For Office Space For The Swillburg Neighborhood Association

Int. No. 241 - Authorizing An Agreement For A Healthy Heart Program Grant

Int. No. 243 - Authorizing An Amendatory Agreement For The Sector 3 Community Garden Beautification Project As Part Of The Sector Targeted Initiative Program

Int. No. 247 - Establishing Maximum Compensation For A Professional Services Agreement For An Evaluation Of The ESG And HOPWA Programs

Respectfully submitted,
Lovely A. Warren

Carolee A. Conklin
Carla M. Palumbo
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-194
Re: Sale of Real Estate

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

The first three properties are vacant buildable lots and are being sold to the adjoining owners. All buyers plan to combine the lots with their adjoining property and install fencing.

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

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,966.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-70

Ordinance No. 2009-194
(Int. No. 211)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u>	<u>Lot Size</u>	<u>Price</u>
<u>S.B.L.#</u>	<u>Purchaser</u>	
90 Maria St 106.24-2-76	35x116 David Rube	\$50
12 Miller St 106.42-3-32	30x210 *Rock Christian Center	\$60
140 Bay St 106.50-2-4	44x193 *Rock Christian Center	\$60

*Principals: Trustees - Jose Malave, Angel Lopez, Jorge Rivera, Esteban Gonzalez, Andres Serrano, Pedro Santiago, Abraham Malave

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
<u>S.B.L.#</u>			
N/H 25 Lill St Pt of 106.30-4-60	19x114 Antonio & Carmen Colon	2,166	
S/H 25 Lill St Pt of 106.30-4-60	19x114 Wilmarie-Ayala Casado	2,166	
N/H 262 Clifford Ave Pt of 106.30-4-65.2	19x28 Antonio & Carmen Colon	532	
S/H 262 Clifford Ave Pt of 106.30-4-65.2	19x28 Wilmarie-Ayala Casado	532	
258 Clifford Ave 106.30-4-65.4	28x38 Wilmarie-Ayala Casado	1,064	
225 N. Union St 106.66-2-25	33x97 May Eloise Nathan	3,201	
145 Clifton St 120.51-4-8	40x98 **RHDFC	2,972	

**Principals: Jean Lowe, President; Michael Burke, Treasurer

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-195
Re: Agreement - The Housing Council,
Tenant Education Program

Transmitted herewith for your approval is legislation establishing \$23,688 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc. to provide work-

shops in support of the Tenant Education Program; and appropriating \$23,688 from the 2008-09 Improving the Housing Stock and General Property Conditions allocation, Rental Housing Fund, of the 2008-09 Community Development Block Grant to fund the agreement.

The program includes a series of workshops that were originally developed over a decade ago in collaboration with the County of Monroe as part of the Proactive Property Management Program. This education program is designed to help participants understand their rights and responsibilities as tenants, with the goals of reducing transiency and strengthening the rental market. A copy of the curriculum is attached.

Workshop participants will be referred by the County Department of Health and Human Services and Neighborhood Services Centers. The workshops will be held at the Southwest and Northeast NSC offices. Each participant will receive a certificate of completion. It is anticipated that the program will accommodate approximately 420 tenants each year.

The budget for the program is as follows:

Staff	\$18,032
Fringe	2,022
Indirect costs	3,176
Mileage	458
Total	\$23,688

Tenant accountability has been a substantial concern of the community for several years, and has been identified in several planning efforts, including the City's housing market study, development of the housing policy, landlord summit and roundtables, and the Voice of the Customer sessions.

In support of the Housing Policy the City issued an RFP in the fall of 2008 to address needs in the rental market. The services to be funded by this appropriation were identified in a proposal received from The Housing Council in response to the RFP.

This program supports Housing Policy as follows:

Rental Housing Fund (\$23,688): This fund supports efforts to strengthen the rental market through the coordination of tenant services that reduce unwanted transiency, encourage accountability, and result in longer-term tenancies.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-71

Ordinance No. 2009-195
(Int. No. 212)

Authorizing An Agreement For A Tenant Education Program

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for a Tenant Education Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$23,688, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program.

Section 3. The agreement shall contain such terms and 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. 2009-196
Re: Agreements - 2009-10 Emergency Shelter Grant Program

Transmitted herewith for your approval is legislation appropriating \$327,238 in Emergency Shelter Grant funds, and authorizing agreements for implementation of the 2009-10 Emergency Shelter Grant (ESG) Program.

In previous years, the ESG program was administered by the Department of Recreation and Youth Services. With the reorganization of City services and departments, beginning July 1, 2009, the ESG will be administered by the Bureau of Business and Housing Development of the Department of Neighborhood and Business Development (NBD). In assuming this program, and the Housing Opportunities for Persons with AIDS program, NBD will evaluate the programs to ensure alignment of services with the City's Housing Policy. Legislation regarding the program evaluation has been submitted separately. In light of the planned evaluation, it has been decided to continue funding based on last year's ESG allocations.

Project summaries for the 2009-10 program services are attached. Service providers and agreement amounts are:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$ 21,490
Asbury Dining and Caring	2,010
Blessed Sacrament Church	11,780
Cameron Community Ministries	7,640
Catholic Charities	5,000
CFC - Francis Center	16,710
CFC - Sanctuary House	7,640
CFC - Women's Place	19,100
Dimitri House	12,710

Enriche House	14,320
Hillside Children's Center	8,008
Mercy Residential - Families First	13,370
Mercy Residential - Melita House	12,410
Recovery House	20,150
Rochester Area Interfaith Hospitality Network	11,460
Salvation Army/Booth Haven	28,650
Sojourner House	23,870
Spiritus Christi - Jennifer House	13,370
Spiritus Christi - Nielsen House	9,550
St. Martin's Place	8,590
The Center for Youth/Runaway Homeless Youth	28,650
Veteran's Outreach Center	8,090
Volunteers of America	10,000
Wilson Commencement Park	5,510
YWCA	7,160
Total	\$327,238

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-72

Ordinance No. 2009-196
(Int. No. 213, As Amended)

Authorizing Agreements For The Emergency Shelter Grant Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$21,490
Asbury Dining and Caring	2,010
Blessed Sacrament Church	11,780
Cameron Community Ministries	7,640
Catholic Charities	5,000
Catholic Family Center/Francis Center	16,710
Catholic Family Center/Sanctuary House	7,640
Catholic Family Center/Women's Place	19,100
Dimitri House	12,710
[Enriche House	14,320]
Hillside Children's Center	8,008
Mercy Residential/Families First	13,370
Mercy Residential/Melita House	12,410
Recovery House	20,150
RAIHN (Rochester Area Interfaith Hospitality Network)	11,460
Salvation Army/Booth Haven	28,650
Sojourner House	23,870
Spiritus Christi - Jennifer House	13,370
Spiritus Christi - Nielsen House	9,550
St. Martin's Place	8,590
The Center for Youth/Runaway Homeless Youth	28,650
Veteran's Outreach Center	8,090

Volunteers of America	10,000
Wilson Commencement Park	5,510
YWCA	7,160

Ordinance No. 2009-197
(Int. No. 214)

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$[327,238] 312,918, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 Emergency Shelter Grant Program Funds.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmember Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 8.

Nays - None - 0.

Councilmember Spauld abstained because she is an employee at the Center for Youth.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-197
Re: Lease - 846 S. Clinton Avenue

Transmitted herewith for your approval is legislation authorizing a lease agreement with the Swillburg Neighborhood Association for the continued use of office space on the second floor of the City-owned property at 846 South Clinton Avenue. The City's NSC Area D and E offices are located on the first floor of this property.

The Swillburg Neighborhood Association has been occupying approximately 500 square feet of space at this location since 2005. The space is used primarily as a meeting area for the Association's executive committee.

The term of the lease will be for one year, beginning on July 1, 2009 at an annual cost of \$1,000. Improvements to the space, including drywall, carpet, suspended ceilings and HVAC, were made by the Association at the beginning of the original term in 2005.

The annual rental amount will be satisfied through community services performed by the Neighborhood Association. These services include, but are not limited to, maintenance of garden projects, coordinating neighborhood social events and the neighborhood watch program.

Respectfully submitted,
Robert J. Duffy
Mayor

Approving A Lease For Office Space For The Swillburg Neighborhood Association

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Swillburg Neighborhood Association for the lease of office space on the second floor of the City owned building at 846 South Clinton Avenue, for a term of one year, with rent at \$1,000. The lease agreement shall be terminable by the City upon 30 days written notice. The Swillburg Neighborhood Association shall be required to provide community services in the amount of \$1,000 to offset rent.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-198
Re: Agreement - New York State,
Healthy Heart Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Health for the receipt of a five-year grant from the State's Healthy Heart Program. The City of Rochester responded to a Request for Proposal from the State Health Department in October 2008 and was recently notified of the award, which is \$72,270 for the first year.

The City's Department of Neighborhood and Business Development will use these funds to create walking routes and indoor venues for physical activity in three low-income city neighborhoods. The City will select sub-contractors to implement the program through an RFP process currently underway. The City's project was one of twelve projects in the state to receive this award and one of three recipients in Central/Western NY.

It is expected that execution of the contract with New York State will be completed in approximately three months. Upon execution, Council authorization for the selection of contractor(s) and the expenditure of funds will be requested.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-198
(Int. No. 241)

Authorizing An Agreement For A Healthy Heart Program Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for a grant under the State's Healthy Heart Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-199
Re: Agreement - Charles Settlement House, Jones Square Park Renovation

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Charles Settlement House, Inc. to act as fiduciary for an NBN Sector Three project. The agreement will be funded from 2000-01 Cash Capital, as part of the Neighbors Building Neighborhoods Sector Targeted Funding Initiative (STFI).

Sector Three will install a fountain at Jones Square Park, as part of their original STFI project, developing community gardens, which identified a park feature as a priority. The fountain is intended to match the fountain that was an original feature of the park.

To be eligible for STFI funding, sector groups were required to submit proposals that outlined a specific project that would achieve highly visible physical improvements or economic development opportunities. The sector is also required to demonstrate a 100% match in order to receive funding. Sector Three will receive a grant secured through Assemblywoman Susan John's office as the match.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-73

Ordinance No. 2009-199
(Int. No. 243)

Authorizing An Amendatory Agreement For The Sector 3 Community Garden Beautification Project As Part Of The Sector Targeted

Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Charles Settlement House under the Sector Targeted Initiative Program for funding for the Sector 3 Community Garden Beautification Project.

Section 2. The amendatory agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital allocation.

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. 2009-200
Re: Agreement - Center for Governmental Research, Inc., Evaluation of ESG And HOPWA Programs

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Center for Governmental Research, Inc. to evaluate the Emergency Shelter Grant (ESG) and the Housing Opportunities for Persons with AIDS (HOPWA) Programs. The cost of this agreement will be financed from the 2008-09 Budget of the Department of Community Development.

ESG provides an array of services city-wide that are designed to alleviate or prevent homelessness. HOPWA supports a range of housing assistance and support services for low-income people with HIV/AIDS and their families. As of July 1, 2009, as part of the new Department of Neighborhood and Business Development, the administration of these programs, previously provided by the Department of Recreation and Youth Services, will transfer to the Bureau of Business and Housing Development.

In assuming responsibility, NBD will evaluate the impact and efficiency of the programs. The goal of the evaluation is to ensure alignment of ESG and HOPWA services with various City policies and documents including: The Housing Policy which was adopted in March 2008; *The Rochester/Monroe County Homeless Continuum of Care 2009 Priorities*; and *Housing Options for All - A Strategy to End Homelessness in Rochester/Monroe County*.

A Request for Proposal for the evaluation services was issued on April 16, 2009. Proposals were

received from two firms - AGTY Consulting and The Center for Governmental Research, Inc. (CGR). Review of the proposals used the following criteria: comprehensive knowledge of the Rochester community; relevant experience and expertise in the evaluation of community development programs; sound research methodology and organizational management practices, including financial accountability and technical expertise; and cost. Based on the review, CGR was selected.

CGR will furnish a written report of findings with recommendations for future service delivery and shall be available to make presentations to City Council and the community at the request of the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-200
(Int. No. 247)

Establishing Maximum Compensation For A Professional Services Agreement For An Evaluation Of The ESG And HOPWA Programs

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research, Inc. for an evaluation of the Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) Programs. Said amount shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
June 16, 2009

To the Council:

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

Int. No. 215 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,970,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2009 Water Main Extension And Improvements Program In The City

Int. No. 216 - Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

Int. No. 217 - Authorizing An Amendatory Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project

Int. No. 218 - Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Stormwater Pollution Prevention Measures

Int. No. 246 - Authorizing An Amendatory Agreement For The Operation Of Public Waterfront Facilities

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

Int. No. 219 - Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way Westbound

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-201
Re: Bond Authorization - Water Main Extensions and Improvement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,970,000 and appropriating the proceeds thereof for the annual Water Main Extensions and Improvements Program. This request is consistent with the 2006-07 and 2007-08 Capital Improvement Programs.

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 in the City's water distribution system, and approximately 400 miles of pipe are older than 75 years, which is 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>
Seneca Ave.	Norton St.	Rte 104 Expressway
Evergreen St.	N. Clinton Ave.	600' west
Northland Ave.	N. Goodman St.	Lyceum St.
Lattimore Rd./Kendrick Rd.	Castleman Rd.	Crittenden Blvd.
Shelbourne Rd.	Castleman Rd.	Mt. Hope Ave.

Stanford Rd.		
Castleman Rd.	Eastmoreland Dr.	
Eastmoreland Dr.		
Shelbourne Rd.	Lattimore Rd.	

Approximately 1.7 miles of new water main will be installed to increase water pressure and flow for regular consumption and fire protection.

Bids for the improvements were received May 12, 2009. The work will be performed by Villager Construction, Inc. at a maximum cost of \$ 1,763,650 which is \$ 236,350 less than the engineering estimate. An additional \$ 206,350 representing 12% of the bid amount will be provided for contingencies.

The improvements are scheduled to begin in Summer 2009 and be completed by Spring 2010. Project inspection will be performed by Water Bureau personnel.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-74

Ordinance No. 2009-201
(Int. No. 215)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,970,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2009 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 2009 Water Main Extension and Improvements Program, including but not limited to water mains along Seneca Avenue, Evergreen Street, Northland Avenue, Lattimore Road/Kendrick Road, Shelbourne Road, Stanford Road and Eastmoreland Drive in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,970,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,970,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,970,000 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 \$1,970,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-202
Re: Agreement - Monroe County, Water Quality Testing at Durand Eastman Beach

Transmitted herewith for your approval is legislation establishing \$10,000 as annual maximum compensation for an agreement with Monroe County for the provision of water testing services at Durand Eastman Beach. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. This agreement may be renewed annually for the amount included in the annual budget for this purpose. The cost for these services was \$8,099 in 2007 and \$7,222 in 2008.

The City operates a portion of the beach at Durand Eastman Park for swimming annually between May and September. Through the agreement with the County, the County Health Department will provide the following services to support beach operations:

- Beginning on or about April 28 each year, the County Health Department will collect water samples twice weekly, or as necessary, to capture storm events at locations determined by the Health Department along the beach.
- The sampling results from the 2008 and 2009 seasons will be used by the County Health Department for an operational model, similar to the one employed at Ontario Beach. This will be used for making decisions whether to open or close the beach for water quality reasons.
- City aquatic staff will provide notification informing the public of the status of the beach for swimming. The County Health

Department will provide a Monroe County telephone hot-line with information on the status of both Ontario and Durand Beaches.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-202
(Int. No. 216)

Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for water testing services at Durand Eastman Beach.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. The agreement may be extended annually in an amount not to exceed that set forth in the budget for said purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-203
Re: Amendatory Agreement - Highland Park/Canalway Trail Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Town of Brighton for additional design services related to the Highland Park/Canalway Trail Improvements Project. The original agreement, authorized in August 2008, provided for the City share of funding in the amount of \$7,920 for the preliminary design phase of the project. This amendment will increase the City share by \$6,600, for a total of \$14,520, and extend the term of the contract through the final design and big phases. The additional amount will be funded from 2002-03 Cash Capital (Trail Improvements).

The remainder of the design costs include Brighton's share of \$29,480 and Federal Transportation Improvement Program funding of \$176,000.

The project includes the construction of a multi-use neighborhood connector trail between the Canalway Trail, south of Westfall Road to the east

bank of the Genesee Riverway Trail at McLean Street, north of the University of Rochester. The trail will connect neighborhoods in the Town of Brighton and the City of Rochester to the Canalway Trail and Genesee Riverway Trail, and provide statewide trail users access to adjacent parks and open space resources.

Brighton is administering the design and construction of the project, as a majority of the improvements are located within the town. It is anticipated that the City's share for construction and inspection of the project will not exceed \$60,000; additional Council authorizations will be required.

Design of the improvements began in January 2008; it is anticipated that construction will commence in Fall 2009 and will be completed in Summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-75

Ordinance No. 2009-203
(Int. No. 217)

Authorizing An Amendatory Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Town of Brighton to administer the Highland Park/Canalway Trail Improvements Project.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$6,600 for design services, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital allocation. The costs of any necessary additional services and construction shall be provided from the annual budgets or through additional appropriations.

Section 3. The 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. 2009-204
Re: Amending the City Code -
Chapter 39, Phase II Storm
Water Regulations

Transmitted herewith for your approval is legislation amending Article IV (Site Preparation) of

Chapter 39 of the Code of the City of Rochester to add two new sections related to federal storm water regulations.

The federal Clean Water Act of 1972 established laws designed to restore and maintain water quality. In New York State, the Department of Environmental Conservation is responsible for implementing this EPA program. Phase I is in effect and requires developments of five acres or greater to provide a Storm Water Pollution Prevention Plan (SWPPP) to the affected municipality, and to obtain a State Pollutant Discharge Elimination System (SPDES) permit from the DEC.

Phase II of the storm water program decreases the area of disturbance requiring an SWPPP and SPDES permit to 25,000 square feet, and requires municipalities with storm water systems to adopt local ordinances specifically addressing construction and post-construction storm water pollution and prevention.

The City's current standard requiring a site preparation permit whenever 10,000 square feet or more are disturbed is already more conservative than the Phase II requirements. No additional permits or fees will be necessary since the SWPPP will also fulfill the submittal requirements for the site preparation permit. There will be no substantial change to the way development is reviewed and conducted in the City of Rochester.

The City, a member of the Monroe County Storm Water Coalition, participated in the development of the new ordinances that are being recommended by the Coalition for adoption by all Monroe County Municipalities. This will provide uniform administration and enforcement of the mandated regulations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-204
(Int. No. 218)

Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Stormwater Pollution Prevention Measures

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 by renaming Article IV as "Site Preparation and Stormwater Pollution Prevention", by designating Sections 39-400 through 39-412 as Part I, "Site Preparation" of said Article IV; by renumbering Section 39-314, Applicability of Article II, as Section 39-460 and designating said section as Part IV, "General Provisions" of said Article IV; and by adding thereto the following new Parts II and III to said Article IV:

Part II

Construction Stormwater Pollution Prevention and Erosion and Sediment Control

- Section 39-420. Introduction/Purpose.
- Section 39-421. Definitions.
- Section 39-422. Applicability.
- Section 39-423. Compatibility with other permits and article requirements.
- Section 39-424. Standards for construction activities covered under this Part.
- Section 39-425. Land disturbance activity approval process.
- Section 39-426. Financial guarantees.
- Section 39-427. Stormwater Pollution Prevention Plan Requirements.
- Section 39-428. Inspections.
- Section 39-429. Duration, maintenance and closeout.
- Section 39-430. Violations.

Section 39-420. Introduction/Purpose.

Land disturbance activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches, and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of The City of Rochester. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow. Regulation of land disturbance activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

As a result, the purpose of this local regulation is to safeguard public health, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and control-

ling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in The City of Rochester. It seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- B. Require land disturbance activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities or as amended or revised;
- C. Minimize increases in stormwater runoff from land disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 39-421. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITY - The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a land disturbance activity.

CLEARING - Any activity which removes the vegetative surface cover.

DESIGNATED AGENT - Individual(s) directed by the City of Rochester to conduct site inspections and/or perform other municipal duties.

EARTHWORK - Construction activities including clearing, grading, excavating, soil disturbance or placement of fill that result in land disturbance.

EROSION CONTROL - Measures that minimize erosion.

FINAL STABILIZATION - All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with density of 80% has been established or equivalent measures such as the use of mulches or geotextiles have been employed on all unpaved areas and areas not covered by permanent structures.

GRADING - Excavation or fill of material, including the resulting conditions thereof.

LAND DISTURBANCE ACTIVITY - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 25,000 square feet, or activities disturbing less than 25,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

LICENSED PROFESSIONAL - A person currently licensed to practice engineering in New York State or a registered landscape architect.

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL - the most recent version of this publication which is commonly known as the "Blue Book".

PHASING - Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

QUALIFIED PROFESSIONAL - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a licensed professional engineer or a registered landscape architect.

RESPONSIBLE INDIVIDUAL - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SILVICULTURAL ACTIVITY - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SITE - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE PLAN APPROVAL - The examination and subsequent authorization to proceed with a project based upon a drawing prepared to specifications and containing necessary elements, which show the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

STABILIZATION - The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - The first land disturbance activity associated with a development, including: land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STORMWATER MANAGEMENT - The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT OFFICER - The Manager of Plan Review and Building Inspections shall be the Stormwater Management Officer for all work outside the right of way and the City Engineer shall be the Stormwater Management Officer for all work within the right of way. The Stormwater Management Officer shall accept and review stormwater pollution prevention plans and inspect stormwater management practices.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - The flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERWAY - A channel that directs surface runoff to a watercourse, or to the public storm drain.

Section 39-422. Applicability.

This Part shall be applicable to all land disturbance activities that will disturb $\geq 25,000$ square feet of land unless exempted under Section 39-426. This Part also applies to land disturbance activities that are $< 25,000$ square feet disturbance if such activities are part of a larger common plan of development or sale that will disturb $\geq 25,000$ square feet, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

Section 39-423. Compatibility with other permits and requirements.

Compliance with this Part does not relieve the applicant of the obligation and responsibility to obtain separate coverage under the NYSDEC SPDES General Permit for Construction Activities if required. For projects also applying for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP), a Notice of Intent (NOI) with a certification statement including the date demonstrating submission to the NYSDEC, a letter of permission from the NYSDEC granting approval to disturb five (5) acres or greater of land at one time (if applicable) and any related documents to the Stormwater Management Officer for review and approval.

The requirements of this Part should be considered minimum requirements and where any provision of this Part imposes restrictions different from those imposed by any other federal, state, or local law, rule or regulation, or other provision of law, the provisions that are more restrictive or impose more stringent requirements shall take

precedence.

Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or articles such as Part III; *Design and Management of Post-Construction Stormwater Pollution Prevention Measures*.

Section 39-424. Standards for construction activities covered under this Part.

The City of Rochester requires the use of technical standards for erosion and sediment controls. These are detailed in the *New York State Department of Environmental Conservation's Standards and Specifications for Erosion and Sediment Control*. For the design of water quality and water quantity controls (post-construction stormwater runoff control practices), the NYSDEC's technical standards are detailed in the *New York State Stormwater Management Design Manual*.

Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards and the SWPPP shall be prepared by a licensed/certified professional.

Section 39-425. Land disturbance activity approval process.

A. Requirements of application.

- (1) Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of $\geq 25,000$ square feet of land shall also include with a submission a SWPPP that shall be reviewed and approved by the City of Rochester prior to issuance of the final site plan approval or a permit.
- (2) No applicant shall be granted site plan approval or a permit which would require the disturbance of $\geq 25,000$ square feet of land without the review and approval of a SWPPP by the City of Rochester.
- (3) Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of $\geq 25,000$ square feet of land will be required to comply with all applicable provisions of Part III; *Design and Management of Post-Construction Stormwater Pollution Prevention Measures*. As part of the SWPPP the applicant shall include a signed statement that all applicable requirements of Part III; *Design and Management of Post-Construction Stormwater Pollution Prevention Measures* have been met to the satisfaction of the City of Rochester.
- (4) Each application shall bear the name(s)

and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as set forth in Section 39-406B.

- (5) Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with Section 39-428.
- (6) Each application shall include a statement that any land clearing, construction, or development involving the movement of land shall be in accordance with the submitted SWPPP.
- (7) All land disturbance activities as defined in Section 39-421 not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this Part.

B. Exemptions. The following activities are exempt from review under this Part:

- (1) Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.
- (2) Agricultural activity as defined in this Part.
- (3) Silvicultural activity except that landing areas and log haul roads are subject to this Part.
- (4) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- (5) Repairs to any stormwater treatment practice deemed necessary by the City of Rochester.

Section 39-426. Financial guarantees.

The City of Rochester may, at its discretion, require the applicant to submit a financial guarantee in a form acceptable to the City of Rochester prior to issuance of site plan approval or a permit in order to insure that the stormwater pollution prevention and erosion and sediment control practices are implemented and maintained by the applicant as required by the approved SWPPP. The amount of the financial guarantee shall be the total estimated construction cost of the stormwater pollution prevention and erosion and sediment control practices approved, plus a contingency. The financial guarantee shall contain forfeiture provisions for failure to complete work specified in the SWPPP. The financial guarantee shall be

released in full only upon satisfaction of the requirements listed in Section 39-429. At its discretion, the City of Rochester may allow for a partial release of the financial guarantee based on the completion of various development stages.

Section 39-427. Stormwater Pollution Prevention Plan Requirements.

- A. The Stormwater Management Officer shall accept and review all SWPPPs. A consultant cannot be appointed as a Stormwater Management Officer. The Stormwater Management Officer may review the plans or accept the certification of a licensed professional that the plans conform to the requirements of this Part.
- B. Prior to final approval of a land disturbance activity, a SWPPP shall be prepared by the applicant in accordance with the specifications outlined by the City of Rochester and submitted to the Stormwater Management Officer designated by the City of Rochester for review. This plan must be prepared in accordance with sound engineering practices by a qualified professional as defined in 39-501. The final plan must be signed by a New York State licensed professional engineer (PE), who will certify that the design of all stormwater pollution prevention and erosion and sediment control practices meet the requirements outlined in the City of Rochester design criteria and the *New York Standards and Specifications for Erosion and Sediment Control* and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Rochester.
- C. The requirements to have a SWPPP prepared by a qualified professional and to have the final plan signed and certified by a New York State licensed professional engineer (PE) are not applicable to land disturbance activities that meet technical standards and are five (5) acres or less occurring on a single family residence, which is not part of a larger common plan of development, or an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired waterbody or must not be located in a Total Maximum Daily Load (TMDL) watershed.
- D. Minimum Requirements; All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (1) Background information about the scope of the project, including location, type and size of project and contact Information that includes the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the subject property or properties.
 - (2) Site map/construction drawing(s) for the

- project, including a general location map and a 1" = 50' topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s) including receiving waters (name of the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, forest cover, and significant natural and manmade features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete clean out basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this code or by easements.
- (3) Description of the soil(s) present at the site.
 - (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas. Consistent with the *New York State Standards and Specifications for Erosion and Sediment Control*, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.
 - (5) A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on-site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
 - (6) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
 - (7) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
 - (8) Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (9) Identification of all temporary practices that will be converted to permanent control measures.
 - (10) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
 - (11) Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.
 - (12) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
 - (13) Any existing data that describes the stormwater runoff at the site.
 - (14) Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the City of Rochester.
 - (15) Assurance that the applicant or their "Responsible Individual" shall be on site at all times when earthwork takes place and shall inspect and document the ef-

fectiveness of all erosion and sediment control practices.

- (16) Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the water quality standards."

The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The certification statement must be included in the SWPPP.

E. Modifications to the Plan after approval.

- (1) Major amendments of the SWPPP shall be submitted to the City of Rochester and shall be approved or disapproved. The applicant shall amend the SWPPP whenever:
- (a) There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
 - (b) The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this Part. Amendments to the SWPPP may be reviewed by the City of Rochester. A copy of the newly amended SWPPP must be provided to the City of Rochester within 5 business days.
- (2) Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The City of Rochester may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.
- (3) Field modifications of a minor nature may be authorized by the City of Roch-

ester by written authorization to the applicant.

Section 39-428. Inspections.

A. City of Rochester inspections.

- (1) The City of Rochester or designated agent as defined in Section 39-421 shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant that the work fails to comply with the SWPPP. In addition, the City of Rochester may enter the work site at any reasonable time for purposes of inspection. The SWPPP and the records of any inspections completed by the owner or their agent shall be maintained at the site in the site logbook from the date of initiation of construction activities to the date of final stabilization. To obtain inspections, the applicant shall notify the City of Rochester at least forty-eight (48) hours before the following activities occur:
- (a) Start of construction.
 - (b) Erosion and sediment control measures have been installed and stabilized.
 - (c) Site clearing has been completed.
 - (d) Rough grading has been completed.
 - (e) Final grading has been completed.
 - (f) Close of the construction season.
 - (g) Final landscaping.
 - (h) Closeout inspection.
- (2) The above inspection timetable does NOT relieve the owner of the obligation under this or any other permit or regulation to conduct regular inspections as set forth in said permit and/or regulation.
- (3) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further earthwork shall be conducted on the site, except for site stabilization until the violations are corrected and approved by the City of Rochester.

B. Property owner/developer inspections.

- (1) The applicant shall employ a "Responsible Individual" as defined in Section 39-501 who will oversee the implementation of the SWPPP on a daily basis. The "Responsible Individual" shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control

practices. The documentation will be kept in a site logbook. Inspection reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the City of Rochester within 5 days after the month's end.

- (2) The requirement to employ a qualified professional to inspect and document the effectiveness of all erosion and sediment control practices is not applicable to land disturbance activities five (5) acres or less occurring on a single family residence, which is not part of a larger common plan of development or on an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired waterbody or must not be located in a Total Maximum Daily Load (TMDL) watershed.

Section 39-429. Duration, maintenance and closeout.

A. Duration.

- (1) For a project that requires a NYSDEC SPDES Permit, the SWPPP approved by the City of Rochester shall be in effect until the site has been finally stabilized, a Notice of Termination (N.O.T) is submitted to the NYSDEC in accordance with the general permit and a final inspection has been completed by the City of Rochester.
- (2) For projects that do not require a NYSDEC N.O.T., the SWPPP is in effect until a final inspection is conducted and the City of Rochester has issued the applicant written approval.

B. Maintenance.

- (1) The applicant shall at all times properly operate and maintain all stormwater management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this Part. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent. The land disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.
- (2) At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly

site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting, and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the *New York State Standards and Specifications for Erosion and Sediment Control*.

C. Closeout. The applicant must satisfy the following project closeout requirements:

- (1) Reestablish grade of all permanent stormwater facilities.
- (2) Inspect grading of all drainage structures and provide elevation as-builts to the City of Rochester.
- (3) Establish perennial vegetative cover to a density of eighty (80) percent over one hundred (100) percent of the site.
- (4) Removal of all debris and temporary erosion and sediment control practices.
- (5) Provide a written certification by a New York State licensed/certified professional that the site has undergone final stabilization (as defined in Section 39-421) and that all temporary erosion and sediment controls not needed for long-term erosion control have been removed.
- (6) Complete any other measure deemed appropriate and necessary by the City of Rochester to stabilize the project site.

Section 39-430. Violations.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Part. Violations of this Part II of Article IV of Chapter 39 shall be considered high violations for purposes of the penalties set forth in Subsection 13A-11D of the Municipal Code.

Part III

Design and Management of Post-Construction Stormwater Pollution Prevention Measures

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|-----------------|--|
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- Section 39-447. or easement of land. General design and performance criteria for stormwater management.
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- Section 39-451. As-built plans and project closeout.
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Section 39-440. Introduction/Purpose.

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

The purpose of this Part is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the watersheds within the City of Rochester. Therefore, the City of Rochester establishes this set of water quality and quantity policies to provide reasonable guidance for the regulation of stormwater runoff and to, in addition to the above, safeguard persons, protect property, prevent damage to the environment in City of Rochester, and comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer systems (MS4s), for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

Section 39-441. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITY - The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a stormwater management permit.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

DEDICATION - The deliberate appropriation of property by its owner for general public use.

DESIGNATED AGENT - Individual(s) directed by the City of Rochester to conduct site inspections and/or perform other municipal duties.

EROSION CONTROL - Measures that minimize erosion.

FEE IN LIEU - A payment of money in place of meeting all or part of the stormwater performance standards required by this Part.

HOTSPOT - An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

IMPERVIOUS COVER - Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INFILTRATION - The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DISTURBANCE ACTIVITY - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 25,000 square feet, or activities disturbing less than 25,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

LANDOWNER - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LETTER OF CREDIT - A document issued by a bank which guarantees the payment of a customer's drafts for a specified period and up to a specified amount.

LICENSED PROFESSIONAL - A person currently licensed to practice engineering in New York State or a New York State registered landscape architect.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed

restriction, and which provides for long-term maintenance of storm water management practices.

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL - the most recent version of the *New York State Stormwater Management Design Manual*, including applicable updates that serve as the official guide for stormwater management principles, methods and practices.

NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL - The most recent version of this publication which is commonly known as the "Blue Book".

OFF-SITE FACILITY - A stormwater management measure located outside the subject property boundary.

PERFORMANCE BOND - A bond underwritten by a surety in the contract amount to guarantee that the contractor will perform the required work according to the contract specifications.

QUALIFIED PROFESSIONAL - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a New York State licensed professional engineer or registered landscape architect.

RESPONSIBLE INDIVIDUAL - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

RECHARGE - The replenishment of underground water reserves.

REDEVELOPMENT - Reconstruction or modification to any existing previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. Redevelopment is distinguished from development or new development in that new development refers to construction on land where there had not been previous construction. Redevelopment specifically applies to construction areas with impervious surface.

SILVICULTURAL ACTIVITY - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL

SEPARATE STORMWATER SEWER SYSTEMS STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) - A nationally approved program with permits issued in accordance with the Environmental Conservation Law that authorizes stormwater discharges from certain construction activities to waters of the United States.

STOP WORK ORDER - An order issued which requires that all construction activity on a site be stopped.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - Flow on the surface of the ground, resulting from precipitation.

STORMWATER TREATMENT PRACTICES - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

WATER QUALITY STANDARD VIOLATION - An increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section 39-442. Applicability.

A. This Part shall be applicable to land disturbance activities as defined in Section 39-441 and those activities meeting Condition (1), (2), (3) or (4) below shall include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 39-447 as applicable unless eligible for an exemption or granted a waiver by the City of Rochester in accordance with Section 39-445:

- (1) Stormwater runoff from land disturbance activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
- (2) Stormwater runoff from land disturbance activities disturbing five (5) or

more acres.

- (3) Stormwater runoff from land disturbance activity disturbing between 25,000 square feet and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
 - (4) Stormwater runoff from land disturbance activity that are smaller than 25,000 square feet disturbance if such activities are part of a larger common plan of development, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.
- B. All plans, documents and information required by this Part must be reviewed by the City of Rochester to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.
- C. When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 39-441, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current *New York State Stormwater Management Design Manual*. Final authorization of all redevelopment projects will be determined after a review by the City of Rochester. This applies to all redevelopment projects that are greater than or equal to 25,000 square feet.
- D. The following activities may be exempt from the requirements of this Part:
- (1) Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
 - (2) Agricultural activity as defined in this Part.
 - (3) Silvicultural activity except that landing areas and log haul roads are subject to this Article.
 - (4) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
 - (5) Repairs to any stormwater treatment practice deemed necessary by the City of Rochester.

Section 39-443. Compatibility with other permits and requirements.

- A. This Part is not intended to interfere with,

abrogate, or annul any other article, rule or regulation, statute, or other provision of law. The requirements of this Part should be considered minimum requirements, and where any provision of this Part imposes restrictions different from those imposed by any other Article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health and/or the environment shall be considered to take precedence.

- B. Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or articles.

Section 39-444. Compliance

- A. No person shall receive any of the building, grading or other land disturbance approvals or permits required for land disturbance activities without first meeting the requirements of this Part to the satisfaction of the City of Rochester.
- B. Unless specifically excluded by this Part, any landowner or operator desiring approval or a permit for a land disturbance activity shall comply with all applicable provisions of this Part and shall submit all required plans, documentation and information as required under this Part to the City of Rochester for review and approval.
- C. Unless otherwise excepted by this Part, the following items shall be submitted prior to the issuance of a permit or site plan approval:
- (1) Stormwater Pollution Prevention Plan (SWPPP) (See Section 39-448).
 - (2) Maintenance Easement(s) (See Section 39-449).
 - (3) Maintenance Agreement(s) (See Section 39-449).
 - (4) Any Applicable Fees (See Section 39-450).
 - (5) The SWPPP shall be prepared to meet the requirements of Section 39-447 through Section 39-449. The Maintenance Agreement shall be prepared to meet the requirements of Section 39-449, and applicable fees shall be those as set forth in Section 39-450.
 - (6) The SWPPP and all other documents required by this Part must be reviewed by the City of Rochester to ensure that established water quality standards will be maintained after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans. Information shall be submitted as a single, logical package, with all information bound to-

gether.

Section 39-445. Waivers and mitigation requirements.

- A. All persons shall comply with the requirements of this Part, unless a written request is filed to waive the requirements in part or whole for land disturbance activities that disturb less than one acre of land. Requests to waive any requirements of this Part shall be submitted to the City of Rochester for approval.
- B. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - (1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Part.
 - (2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a Stormwater Pollution Prevention Plan that has been approved by the City of Rochester and the implementation of the plan is required. These practices are encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non- structural practices are explained in detail in the manual, *Better Site Design: A Handbook for Changing Development Rules in Your Community*. Applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.
 - (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
 - (4) The City of Rochester finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
 - (5) Non-structural practices will be used on the site that reduce: (a) the generation of stormwater from the site, (b) the size and cost of stormwater storage and (c)

the pollutants generated at the site.

- C. In instances where one of the conditions above applies, the City of Rochester may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the City of Rochester that the variance will not result in the following impacts to downstream waterways:
 - (1) Deterioration of existing culverts, bridges, dams, and other structures;
 - (2) Degradation of biological functions or habitat;
 - (3) Accelerated stream bank or stream bed erosion or siltation;
 - (4) Increased threat of flood damage to public health, life, property.
- D. Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Rochester. Mitigation measures may include, but are not limited to, the following:
 - (1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation (Dedication or Easement of Land, see Section 39-446 A). These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
 - (2) The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this Part,
 - (3) Monetary contributions (Fee in Lieu-Of, see Section 39-446 A) to a dedicated fund for stormwater management activities.
- E. No waivers or mitigation plans will be considered for land disturbance activity that disturbs one (1) acre or greater of land.

Section 39-446. Fee in lieu-of and dedication or easement of land.

- A. Where the City of Rochester waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed de-

velopment, the applicant shall be required to pay a fee in an amount as determined by the City of Rochester. All monetary contributions shall be made to a dedicated fund for stormwater management activities. The fee structure shall be based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be made by the applicant prior to the issuance of any permit or approval for the development.

- B. In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City of Rochester for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City of Rochester prior to the recording of plats or, if no record plat is required, prior to the issuance of the permit.

Section 39-447. General design and performance criteria for stormwater management.

- A. The applicant shall consult the *New York State Stormwater Management Design Manual* and the *New York Standards and Specifications for Erosion and Sediment Control* for standards and specifications related to stormwater management design criteria. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law. If there is a conflict between any of the standards, the more stringent standard shall apply. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this section and Section 39-448 and the SWPPP shall be prepared by a licensed professional.

- B. The following design and performance criteria shall be addressed for stormwater management at all sites:

- (1) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.
- (2) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a ju-

isdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of Rochester. In no case shall the impact on functional values be any greater than that allowed by the Army Corp of Engineers (C.O.E) or the NYSDEC responsible for natural resources.

- (3) An attempt shall be made to maintain annual groundwater recharge rates, by promoting infiltration through the use of structural and non-structural methods. At a minimum, an attempt shall be made for annual recharge from the post development site to mimic the annual recharge from pre-development site conditions.
- (4) In order to protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the *New York State Stormwater Management Design Manual*.
- (5) Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (6) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural stormwater treatment practices and pollution prevention practices.
- (7) Prior to design, applicants are required to consult with the City of Rochester to determine if they are subject to additional stormwater design requirements.
- (8) The calculations for determining peak flows (WQv) as found in the *New York State Stormwater Management Design Manual* shall be used for sizing all stormwater management practices.

Section 39-448. Stormwater Pollution Prevention Plan Requirements.

- A. A SWPPP is required as part of the compliance with this Part. This Plan must be prepared by a qualified professional and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices and shall also include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the

project site. The Plan must be signed by a New York State licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the *New York State Stormwater Management Design Manual*. No building or grading permit or site plan approval shall be issued until a satisfactory Stormwater Pollution Prevention Plan, or a waiver thereof, has undergone a review and been approved by the City of Rochester after determining that the Plan or waiver is consistent with the requirements of this Part.

- B. The applicant shall employ a "Responsible Individual" as defined in Section 39-441 who will oversee the implementation of the SWPPP on a daily basis. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to City of Rochester within 5 days after the month's end.
- C. All SWPPPs shall provide the following information:
- (1) All information listed in Section 39-448; *Construction Site Stormwater Pollution Prevention and Erosion and Sediment Control*.
 - (2) Description of each post-construction stormwater management practice.
 - (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
 - (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms including calculations such as a description of the design storm frequency, intensity and duration; time of concentration; Soil Curve Numbers or runoff coefficients; peak runoff rates and total runoff volumes for each watershed area; infiltration rates, where applicable; culvert capacities; flow velocities; data on the increase in rate and volume of runoff for the design storms referenced in the *New York State Stormwater Management Design Manual*, and documentation of sources for all computation methods and field test results.
 - (5) Comparison of post-development stormwater runoff conditions with pre-development conditions;
 - (6) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
 - (7) The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures including a schedule to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the Plan.
 - (8) The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See Section 39-449 for additional information.
 - (9) The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management measure(s) in accordance with the specifications of this Part. See Section 39-449 for additional information.
 - (10) The SWPPP shall be prepared by a qualified professional and the final Plan must be signed by a New York State licensed professional engineer, who shall certify that the design of all stormwater management practices meet the requirements in this Part.
 - (11) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

- (12) The City of Rochester may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- (13) The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil and water conservation district and in compliance with landscaping specifications outlined in the *New York State Stormwater Management Design Manual*.
- (14) The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

Section 39-449. Maintenance of stormwater management facilities.

- A. Maintenance Easement. The applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Rochester, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Part and to if necessary implement emergency repairs to protect the health, safety and welfare of the public. The easement dimensions shall be as directed by the City of Rochester and the easement agreement shall be recorded in the office of the County Clerk, with a copy provided to the City of Rochester.
- B. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this Part shall ensure they are operated and maintained to achieve the goals of this Part. Proper operation and maintenance also includes as a minimum, the following:
 - (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this Part.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.

- (3) Discharges from the stormwater management practices shall not exceed design criteria or cause or contribute to a Water Quality Standard Violation.

C. Maintenance agreements.

- (1) The maintenance and proper operation of all privately owned stormwater management facilities, including nonstructural practices, shall be ensured through the creation of a formal and enforceable maintenance agreement that must be approved by the City of Rochester and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. This agreement will include any and all maintenance easements required to access and inspect the stormwater management practices, and will outline the procedures and schedule to be followed to perform routine maintenance as necessary to ensure proper functioning of the stormwater management practice. In addition, the legally binding agreement shall identify the parties responsible for the proper maintenance of all stormwater treatment practices and include plans for periodic inspections by the owners, or their designated agent, to ensure proper performance of the facility. The maintenance agreement shall be consistent with the terms and conditions of the "Stormwater Control Facility Maintenance Agreement".
- (2) The City of Rochester, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Part and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

- D. Requirements of maintenance agreements. All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs to ensure compliance with the requirements of this Part and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be identified in writing, along with the schedule and methods to be employed to complete the maintenance. The maintenance repairs and restoration schedule are to be approved by the City of Rochester prior to commencing the work and the City of Rochester shall inspect the facility upon completion of the work. The inspection and maintenance requirement may be increased by the City of Rochester as deemed necessary to ensure proper function-

ing of the stormwater management facility.

- E. Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the City of Rochester during inspection of the facility and at other reasonable times upon request.
- F. Maintenance guarantees for privately owned stormwater facilities. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the applicant or by a corporation that owns or manages a commercial or industrial facility, the applicant, prior to construction, may be required to provide the City of Rochester with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the City of Rochester acknowledges compliance with all details of approved site plan. If the applicant or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Rochester may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs, until the City of Rochester acknowledges compliance with all details of approved site plan.

Section 39-450. Inspection and right of entry.

- A. The City of Rochester or designated agent shall make inspections at any reasonable time for purposes of inspecting the construction of the stormwater management facilities. Inspections may include but are not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. The applicant must notify the City of Rochester in advance before the commencement of construction. If any violations are found, the property owner shall be notified of the nature of the violation and the required corrective actions. No added

work shall proceed until any violations are corrected and all work previously completed has received approval by the City of Rochester.

- B. Furthermore, when any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, or combined sewer, the property owner shall grant to the City of Rochester the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Part is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Part.

Section 39-451. As-built plans and project close-out.

All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a New York State licensed professional engineer. A final inspection by the City of Rochester is required before the release of any performance securities can occur.

Section 39-452. Landscape alterations.

All applicants are responsible for maintaining the grading of the site so that it is consistent with the certified "as-built" plans. Any post-construction alterations to the landscape shall receive prior approval from the City of Rochester. Temporary landscape alterations, such as those associated with utility excavations and landscaping activities must be restored to conditions that are consistent with the certified "as-built" plans.

Section 39-453. Violations.

No person shall commence or conduct any development activity that is contrary to this Part, or alter or fail to maintain Stormwater Pollution Prevention Measures required by this Part. Violations of this Part III of Article IV of Chapter 39 shall be considered high violations for purposes of the penalties set forth in Subsection 13A-11D of the Municipal Code.

Section 39-454. Performance bond/security.

The City of Rochester may, at its discretion, require the submittal of a performance security or bond prior to approval in order to insure that the stormwater practices are installed as required by the approved Stormwater Pollution Prevention Plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved by the City of Rochester, plus 25%. The performance security shall contain forfeiture

provisions for failure to complete work specified in the Stormwater Pollution Prevention Plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a New York State licensed professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this Part. The City of Rochester will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this Part. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the City of Rochester.

Section 2. Section 39-407 of the Municipal Code, Permit application materials, as amended, is hereby further amended by adding thereto a new subsection C(7) to read in its entirety as follows:

- (7) Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of $\geq 25,000$ square feet of land shall also include with a submission a Stormwater Pollution Prevention Plan (SWPPP) that shall be reviewed and approved by the City of Rochester prior to issuance of the final site plan approval or a permit.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-205
Re: Amendatory Agreement - River Street
Marine, Operation of the Riverfront
Marina

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with River Street Marine (Principal, Steve Gibbs). The original agreement, authorized in January 2006, provides the terms for the license, operation, and management of the public waterfront facilities on the west bank of the Genesee River between Latta Road and Petten Street.

The waterfront facilities, part of the overall Port of Rochester Improvement Project, were, in large part, completed in 2006, and include public docking/boating facilities and a public promenade that connects to the Genesee Riverway Trail. The Riverfront Marina includes 112 boat slips; a pump out station; a boater building with restrooms, showers, laundry room, lockers, and a small office; and parking facilities which serve both the boaters and trail users. Proposed improvements will add a two lane boat launch at Petten Street, an at-grade pedestrian crossing over the rail line at Latta Road, and additional bathroom facilities at the south end of the facility near Petten Street.

The following changes to the agreement are recommended based on the experience of three full seasons of operating the marina:

- Add one additional five-year renewal, increasing the total term to 20 years. The lease amount for the additional five year period will be established by an independent appraisal to be completed no earlier than six months prior to the beginning of the additional renewal period, and submitted to Councilmembers;
- Increase the threshold (Base Amount) at which the 15% surcharge on the operator's revenues applies, from \$100,000 to \$200,000;
- Eliminate the requirement to reserve slips for transient docking; and
- Eliminate the requirement for an annual payment of \$5,000 to be held in escrow as a dredging reserve fund.

Security requirements, initially estimated to be minimal, now exceed \$30,000 per year, primarily due to heavy public use of the promenade. Ample transient docking exists in the immediate vicinity; eliminating the requirement for the reservation of slips for transient boaters will provide additional marina income. Also, it has been determined that it is more efficient and cost effective for the City to coordinate all dredging at the port with the US Army Corps of Engineers.

These changes will facilitate the viability of the project and will not affect the recovery of the City's capital investment.

All other terms of the agreement will remain the same.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-205
(Int. No. 246)

Authorizing An Amendatory Agreement For The Operation Of Public Waterfront Facilities

WHEREAS, the City has received a proposal to enter into an amendatory agreement with River Street Marine, LLC for the licensing, operation and maintenance of public waterfront facilities which have been constructed along the west bank of the Genesee River between Latta Road and Petten Street as a part of the Port of Rochester River Street Riverfront Project for an additional renewal term of five years; and

WHEREAS, due to the length of the proposed license, the Council shall receive an independent appraisal of the value of the license before the commencement of the additional renewal term and shall approve the amount to be paid to the City for the license; and

WHEREAS, the Council affirmatively finds that the terms of the proposed amendment and payment are satisfactory and the proposed license is in the public interest, as the public benefit to be derived from the license is the continued operation and maintenance of these important public waterfront facilities.

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 River Street Marine, LLC for the licensing, operation and maintenance of public waterfront facilities which have been constructed along the west bank of the Genesee River between Latta Road and Petten Street as a part of the Port of Rochester River Street Riverfront Project. The amendatory agreement shall add an additional renewal term of five years. The Council shall receive an independent appraisal of the value of the license before the commencement of the additional renewal term and shall approve the amount to be paid to the City for the license. The amendatory agreement shall also change the base amount above which River Street Marine is required to pay an additional 15% of the annual gross revenue from \$100,000 to \$200,000. The operator shall not be required to reserve boat slips for transient docking and the amount of \$5,000 shall no longer be held in escrow for dredging costs.

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.

Councilmember Lightfoot moved to return Int. No. 219 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 219
Re: Authorizing a Traffic Flow Change -
Dayton Street Westbound One-way

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Dayton Street between Hudson Avenue and Bauman Street from two-way traffic to one-way westbound traffic.

The Dayton Street westbound one-way is requested by residents of the street as a crime prevention and quality of life measure. The westbound one-way was endorsed by the City's Traffic Control Board at its May 19, 2009 meeting.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 219

CHANGING THE TRAFFIC FLOW OF DAYTON STREET FROM TWO-WAY TO ONE-WAY WESTBOUND

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

Section 1. The Council hereby approves a change in the traffic flow of Dayton Street between Hudson Avenue and Bauman Street from two-way to one-way westbound.

Section 2. This ordinance shall take effect immediately.

Held in Committee

By Councilmember Miller
June 16, 2009

To the Council:

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

Int. No. 220 - Approving The 2009-10 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 221 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

Int. No. 222 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

Int. No. 223 - Approving Business Programs

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

Int. No. 224 - Authorizing Amendatory 1996-97, 2000-01, 2005-06 And 2006-07 Community Development Program Plans And Authorizing Agreements For The ED Financial Assistance Loan & Grant Program

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul

William F. Pritchard
 ECONOMIC DEVELOPMENT & THE ENVI-
 RONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2009-206
 Re: Cultural Center Commission -
 2009-10 Budget

Transmitted herewith for your approval is legisla-
 tion approving and appropriating the budgets of
 the Cultural Center Commission for the period of
 July 1, 2009 through June 30, 2010 in the amount
 of \$441,589; and authorizing the Commission to
 approve, during this period, the transfer of capital
 budget appropriations not exceeding \$10,000.

The proposed operating and capital budgets sum-
 marized below were approved by the Commission
 on May 12, 2009. They have been reviewed by
 the Budget Bureau of the City and Office of Man-
 agement and Budget of Monroe County.

	<u>2009-10</u>	<u>2008-09</u>
Operating:		
Salaries	\$ 37,282	\$ 44,655
Fringe benefits	30,356	21,558
Office supplies/ equipment	100	100
Telephone and postage	1,300	1,300
Printing and advertising	500	500
Training and meeting	500	500
Professional service	10,000	10,000
Marketing	1,000	1,000
Contingency	<u>500</u>	<u>500</u>
Total	\$81,538	\$80,113
Capital:		
Development	\$128,823	\$199,787
Streets/open space	218,728	218,385
Administration	81,538	80,113
Annual audit	<u>12,500</u>	<u>11,900</u>
Total	\$441,589	\$510,185

Any funds not utilized during the 2009-10 fiscal
 year will be re-appropriated for the 2010-11
 budget.

The authorization for the Commission to approve
 minor capital transfers is designed to facilitate
 operations. Similar authorization was approved
 by the Council in June 2008. The Commission
 authority to approve similar transfers of opera-
 tional appropriations was authorized in 1981. The
 budgets will be considered by the Monroe County
 Legislature at their June meeting.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2009-206
 (Int. No. 220)

**Approving The 2009-10 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
 2009-10 Operating and Capital Budgets of the
 Cultural Center Commission as adopted in Cul-
 tural Center Commission Resolution No. 3 of
 2009. 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
 Neighborhood and Business 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. 2009-207
 Re: Agreements - Wintek and Young
 Explosives, Laser Shows and
 Fireworks

Transmitted herewith for your approval is legisla-
 tion establishing maximum compensation for
 agreements related to the High Falls laser shows,
 as follows:

1. \$80,000 for an agreement with Greg J. Win-
 ter, d/b/a Wintek, to provide laser shows
 July 2, 2009-June 30, 2010. Wintek will
 provide the Genesee River Gorge shows at a
 cost of \$18,000, and maintenance of City-
 owned laser equipment at a cost of \$62,000;
 and
2. \$35,000 for an agreement with Young Ex-
 plosives Corporation (James Young, Presi-
 dent) for aerial fireworks and pyrotechnic
 displays to accompany the High Falls laser
 shows.

The cost of both agreements will be funded from
 the 2009-10 Budget of the Bureau of Communica-
 tions.

A total of 46 laser shows, accompanied by fire-
 works and pyrotechnics, are scheduled for Thurs-
 days, Fridays, and Saturdays July 2 through Sep-
 tember 5 (with the exception of July 4 when a
 large, independent fireworks celebration will
 occur), and for River Romance, December holi-
 days, and Memorial Day weekend. A projected
 schedule is attached. Attendance for 2008 was
 estimated at 41,500. There are also occasional
 sponsor-requested laser shows, with costs offset

by revenue from sponsors through the Rochester Events Network Trust Fund.

The laser show itself is now owned by the City, and is operated by a Rochester business, which eliminates more than \$57,000 per year in rental fees and costs incurred in previous years, and restores ten shows.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-76

Ordinance No. 2009-207
(Int. No. 221)

Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

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

Section 1. The sum of \$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 Greg J. Winter, d/b/a Wintek, for laser shows at High Falls and for maintenance of the laser equipment at High Falls. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. 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 Corporation for aerial fireworks and pyrotechnic displays to accompany laser shows at High Falls. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to amend Int. No. 223.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-208
Re: Agreement - Sally Wood Winslow,

Operation of the High Falls Centers

Transmitted herewith for your approval is legislation establishing \$41,600 as maximum compensation for a one-year agreement with Sally Wood Winslow for operation of the High Falls Centers, which includes the museum, interpretive center, gallery, and gift shop. The current agreement expires July 17, 2009. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Ms. Winslow has successfully operated the Centers part-time from 1993 through February 2004 when she assumed operations on a full-time basis.

A requirement of a New York State grant received in 1992 requires the Centers to operate for a minimum of 23 years. Operation of the gift shop includes a monthly rental fee to the City of 15% of gross sales.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-208
(Int. No. 222)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

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

Section 1. The sum of \$41,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Sally Wood Winslow for the operation of the museum, interpretive center, gallery and gift shop at the High Falls Centers for a term of one year. Said amount shall be funded from the 2009-10 Budget of the Neighborhood and Business Development Department. Ms. Winslow shall pay to the City a monthly fee of 15% of the gross sales from the previous month for the gift shop.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-209 and
Ordinance No. 2009-210
Re: Community Development Block
Grant - Business Programs

Transmitted herewith for your approval is legislation appropriating 2009-10 Community Development Block Grant (CDBG) funds and amending past plans to consolidate unused funds and appropriating those funds for business programs. Specifically, this legislation will:

1. Appropriate a total of \$1,279,693 from the Economic Stability allocation of the 2009-10 Community Development Program to fund Business Programs, and authorize agreements necessary to implement programs as follows:

ED Financial Assistance Loan & Grant Programs \$979,693

The program provides financial assistance to city businesses in the form of low-interest loans, interest rate subsidy grants, and matching grants for building improvements and pre-development studies. These funds cover the following economic development programs: Financial Assistance Program, Building Renovation Matching Grant Program, Targeted Business Assistance Program, Main Street Assistance Program and Pre-Development Grant Program. In addition, a City Development Fund appropriation of \$40,000 was included in the 2009-10 Consolidated Community Development Plan that was approved by City Council on May 12, 2009.

Section 108 Loan Loss Reserve \$300,000

A Section 108 Loan Loss Reserve provides funds for the City to continue the obligatory payments to HUD in the case of loan default.

2. Amend the past Community Development Program Plans by transferring unencumbered funds from the Promoting Economic Stability and Improving the Housing Stock allocations to the ED Financial Assistance Loan & Grant Program as summarized below, and appropriating their use for the various business financial assistance programs

<u>Year</u>	<u>From</u>	<u>Amount</u>
1996-97	West Main St. Revitalization	\$115,000
2000-01	*MESBIC	75,750
2005-06	MESBIC	25,000
2005-06	Neighborhood Improvements	400,000
2006-07	MESBIC	150,000
Total		\$765,750

*Minority Enterprise Small Business Investment Company

A public hearing on the plan amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-209
(Int. No. 223, As Amended)

Approving Business Programs And Author-

izing An Amendatory 2009-10 Community Development Program Plan

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 2009-10 Community Development Program the sum of \$[1,279,693] 1,297,394, or so much thereof as may be necessary, to fund the following programs in the following amounts:

ED Financial Assistance Loan & Grant Programs	\$[979,693] <u>997,394</u>
Financial Assistance Program	
Building Renovation Matching Grant Program	
Targeted Business Assistance Program	
Main Street Assistance Program	
Pre-Development Grant Program	
Section 108 Loan Loss Reserve	300,000

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. The Council hereby approves an amendment to the 2009-10 Community Development Program Plan to increase the total allocation to \$9,654,741. The additional sum of \$17,701 is added to the ED Financial Assistance Loan & Grant Programs Account in the Promoting Economic Stability Allocation, and is appropriated herein.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-210
(Int. No. 224)

Authorizing Amendatory 1996-97, 2000-01, 2005-06 And 2006-07 Community Development Program Plans And Authorizing Agreements For The ED Financial Assistance Loan & Grant Programs

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

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Economic Stability allocations, the sum of \$115,000 is transferred from the West Main Street Revitalization Program Account in 1996-97, the sum of \$75,750 is transferred from the MESBIC Program Account in 2000-01, the sum of \$25,000 is transferred from the MESBIC Program Account in 2005-06

and the sum of \$150,000 is transferred from the MESBIC Program Account in 2006-07, and the sum of \$400,000 is transferred from the Neighborhood Improvements Program Account within the Improving the Housing Stock and General Property Conditions allocation in 2005-06, to new or existing accounts for the ED Financial Assistance Loan & Grant Program Accounts.

Section 2. There is hereby appropriated from the Economic Stability allocation of the 1996-97 Community Development Program the sum of \$115,000, from the Economic Stability allocation of the 2000-01 Community Development Program the sum of \$75,750, from the Economic Stability allocation of the 2005-06 Community Development Program the sum of \$25,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$400,000, and from the Economic Stability allocation of the 2006-07 Community Development Program the sum of \$150,000, or so much thereof as may be necessary, to fund the ED Financial Assistance Loan & Grant Programs.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the ED Financial Assistance Loan & Grant Programs.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
June 16, 2009

To the Council:

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

Int. No. 225 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Police MDT Fleet Standardization

Int. No. 228 - Authorizing An Agreement For A Disproportionate Minority Contact Discretionary Program Grant And Amending The 2008-09 Budget

Int. No. 229 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For Radar Speed Signs

Int. No. 230 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Cemetery Crematory Family Room Project

Int. No. 231 - Establishing Maximum Compen-

sation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

Int. No. 232 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 233 - Authorizing Agreements Relating To The Rochester After School Academy 4 Program

Int. No. 244 - Authorizing An Agreement For A Metropolitan Medical Response System Program Grant

Int. No. 245 - Authorizing Agreements Relating To The 2009 Summer Of Opportunity Program, As Amended

Int. No. 226 - Establishing Maximum Compensation For Professional Services Agreements For Psychological Evaluation Services For The Rochester Police Department

Int. No. 227 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Fire Department

Respectfully submitted,
Adam C. McFadden (*Abstained on Int. No. 245*)

Dana K. Miller

Elaine M. Spaul (*Abstained on Int. No. 233*)

William F. Pritchard

PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-211
Re: Amendatory Agreement - Brite Computers, Police Mobile Equipment Standardization

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Brite Computers, Rochester, to provide additional services related to the Police Department's Mobile Data Terminals. The original agreement, authorized in June 2008, established maximum compensation at \$75,000. This agreement will increase this amount by \$75,000 for a total of \$150,000. The additional amount will be funded from the 2007-08 Cash Capital allocation of the Information Technology Department.

Each police patrol car is equipped with a Mobile Data Terminal (MDT), which includes a computer, scanner, printer, and two data network connections. Brite Computers has been working to bring the RPD system into compliance with the County MDT standard. The additional funds will enable Brite Computers to provide the following services:

- Continue to assist in the deployment of the

automatic vehicle locator technology (AVL) for RPD marked vehicles and provide day-to-day trouble shooting during implementation. To date, approximately 100 RPD vehicles have been equipped with AVL capability;

- Upgrade the TraCS system, which is used to facilitate electronic citations for motor vehicle accidents. As part of this project, equipment will be replaced in approximately 280 marked RPD vehicles;
- Provide support for installing necessary computer equipment in fifty new RPD vehicles.

Brite Computers was selected to provide this service based on price, expertise, experience, and success in providing these services within RPD's MDT equipment and operational environment over the last two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-211
(Int. No. 225)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Police MDT Fleet Standardization

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

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Brite Computers for standardization of the Rochester Police Department's Mobile Data Terminal (MDT) fleet operational environment. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-212
Re: Agreement - St. Joseph's Villa,
Disproportionate Minority Contact
Program

Transmitted herewith for your approval is legislation authorizing an agreement with St. Joseph's Villa of Rochester for the receipt and use of a \$5,000 grant, and amending the 2008-09 Budget of the Police Department to reflect the award.

The grant will be used to reimburse RPD costs incurred for administration of the Disproportionate Minority Contact (DMC) program. The grant

term is from May 1, 2009 to April 30, 2010. This is the final round of funding for the project.

St. Joseph's Villa operates an early intervention program for juveniles which offers an alternative to prosecution and provides an extensive assessment and support system for both the juveniles and their families.

St. Joseph's Villa reimburses the Police Department for administrative expenses incurred in identifying and referring juveniles who qualify for the program. A Police paralegal reviews juvenile arrest packages and will contact St. Joseph's Villa within 24 hours for referral of a qualified juvenile to DMC. St. Joseph's Villa then reimburses the cost of overtime incurred to prepare and review the paperwork.

No City funds are required for the operation of this program. The previous award and agreement were authorized by City Council Ord. No. 2006-263 in November 2006, and subsequently extended in May 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-212
(Int. No. 228)

Authorizing An Agreement For A Disproportionate Minority Contact Discretionary Program Grant And Amending The 2008-09 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with St. Joseph's Villa for funding for the Rochester Police Department to support the Disproportionate Minority Contact Discretionary Program.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-213
Re: Agreement - New York State Byrne

Grant, Radar Speed Signs

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$45,000 grant from the State's direct allocation of Edward Byrne Memorial Justice Assistance Grant program, and amending the 2008-09 Cash Capital allocation by \$45,000 to reflect the award.

Grant funds will be used to purchase and install approximately ten radar speed signs. These signs will be placed in high traffic areas that are major points of entry and egress for the City to alert motorists to safer driving. Placement will be based on an analysis of accident statistics. Similar projects in other communities have reduced incidents involving injury and death.

The funding has been made available through the efforts of Assemblywoman Susan John. This is a new grant and no local match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-213
(Int. No. 229)

Authorizing A Grant Agreement And Amending The 2008-09 Budget For Radar Speed Signs

BE IT 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 an Edward Byrne Memorial Justice Assistance Program Grant to the Rochester Police Department for the purchase and installation of radar speed signs.

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

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$45,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the radar speed signs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-214
Re: Agreement - MRA Architecture,

Mt. Hope Cemetery Crematory Family Room

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with MRA Architecture P.C., 590 South Avenue, Rochester, for architectural and engineering services for the Mt. Hope Cemetery Crematory Family Room Project. The cost of the agreement will be financed from 2008-09 Cash Capital.

The project includes the design and construction of improvements to the existing Mt. Hope office and crematory building. Improvements include: a viewing area to be used by bereaved relatives and friends of deceased clients; installation of the retorts purchased in November 2008; and space to support the sales and support services needs of cemetery staff. The projected project cost, including design services, is \$550,000.

MRA Architecture, hired in February 2009 under an existing Term Agreement with the Division of Architectural Services, has completed a feasibility study, including a report of condition survey, site evaluation, code evaluation, and preliminary design plans. Based on their recommendations and involvement with the project, they are recommended jointly by the Division of Architectural Services and the Department of Recreation and Youth Services to continue with the project.

The consultant will be responsible for finalizing program development, schematic design, design development, contract document, bidding phase, and construction administration phase services.

Design phase services will begin in Summer 2009; it is anticipated that construction will begin in Winter 2009, with completion in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-214
(Int. No. 230)

Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Cemetery Crematory Family Room Project

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and MRA Architecture P.C. for architectural and engineering services for the Mt. Hope Cemetery Crematory Family Room Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project for which the services are provided. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-215
Re: Agreement - Eskay Concerts
(d/b/a Up All Night), Bands on
The Bricks

Transmitted herewith for your approval is legislation establishing \$16,550 as maximum compensation for an agreement with Eskay Concerts (d/b/a Up All Night; principal Gerard Fisher), for the "Bands on the Bricks" summer concert series at the Rochester Public Market. The cost of the agreement will be funded from the 2008-09 (\$6,500) and 2009-10 (\$10,050) Budgets of the Department of Recreation and Youth Services.

Eskay Concerts will provide talent and production services for four concerts to be held during the summer at the Market. The series is part of the overall strategy to increase off-market day usage of the site and to attract new visitors to the venue. Last year over 15,000 people attended the concerts.

Eskay has provided the production talent and sound services for this series for the past nine years and was instrumental in starting the series. The terms of the agreement include that Eskay will provide the City with 25% of the first \$10,000 net revenue, then 50% of additional revenue from food and beverage sales. The profit/loss for the past four years are as follows: 2005 (\$1,541.91); 2006 (\$3,062.75); 2007 (\$816.42) and 2008 (\$1,723).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-215
(Int. No. 231)

Establishing Maximum Compensation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

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

Section 1. The sum of \$16,550, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Eskay Concerts (d/b/a Up All Night) for talent booking and production services for the "Bands on the Bricks" concert series at the Rochester Public Market. Of said amount, \$6,500 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services and \$10,050 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. The agreement shall also provide Eskay Concerts

(d/b/a Up All Night) exclusive rights to vend food and beverages to the public at the "Bands on the Bricks" concert series, in exchange for 25% of the first \$10,000 in net revenue from the food and beverage sales, and 50% of the net revenue above \$10,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2009-216
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum compensation for an agreement with The Puerto Rican Festival, Inc. for the 2009 Puerto Rican Festival to be held on July 24, 25, and 26, at the Frontier Field VIP Parking Lot. The cost of this agreement will be financed from the 2008-09 Budget of the Bureau of Communications.

The Puerto Rican Festival, Inc. was formulated in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State, which now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state.

The Puerto Rican Festival, Inc. sponsors a variety of events which serve to share and celebrate Puerto Rican culture. The largest event is the Puerto Rican Festival (39 annual editions to date have been organized), the longest running cultural festival in Monroe County. The annual three-day event averages a daily attendance of 7,000 people of all cultures and ethnic backgrounds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-216
(Int. No. 232)

Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

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

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Puerto Rican Festival, Inc. for the 2009 Puerto Rican Festival. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-217
Re: Agreement - New York State
Department of Education,
Rochester After School Academy

Transmitted herewith for your approval is legislation related to the Rochester After School Academy program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of \$847,771 in funding through the New York 21st Century Community Learning Centers Program for the Rochester After School Academy, Round 4 (RASA-4). This amount includes up to \$21,483 in Indirect Costs.
2. Establish maximum compensation for agreements to be funded from the RASA Trust Fund as follows:

<u>Contractor</u> <u>School Partner</u>	<u>Amount</u>
Puerto Rican Youth Development Edison/School of Engineering & Mfg	\$140,770
Community Place of Greater Rochester Dr. Freddie Thomas Learning Center	150,240
The Center for Youth Services East High School	153,200
Children's Institute RASA 4 Evaluator	60,674
Coordinated Care Services, Inc. Professional Development, Parent University, APR Evaluation	<u>139,368</u>
Total	<u>\$644,252</u>

3. Appropriate \$203,519 of these funds to be included in the proposed 2009-10 operating budget of the Department of Recreation and Youth Services. Of this amount, \$58,009 will be used for the RASA-4 site at Jefferson High School with DRYS acting as the Lead Agency, with the remaining \$124,027 covering administration and management.

RASA-4 is a comprehensive and strategic approach to after school programming, designed to enhance and extend learning opportunities beyond the traditional school day. Each site will serve a minimum of sixty youth and their families. This is the second year of a five-year grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-77

Ordinance No. 2009-217
(Int. No. 233)

Authorizing Agreements Relating To The Rochester After School Academy 4 Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy-Round 4 (RASA-4) Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the RASA-4 Program:

<u>Agency</u> <u>School/Agency Partner</u>	<u>Amount</u>
Puerto Rican Youth Development Edison/School of Eng. & Mfg.	\$140,770
Community Place of Greater Rochester Dr. Freddie Thomas Learning Ctr.	150,240
The Center for Youth Services East High School	153,200
Children's Institute RASA-4 Evaluator	60,674
Coordinated Care Services, Inc. Professional Development, Parent University, APR Evaluation	139,368

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$644,252, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York 21st Century Community Learning Centers Program Funds. A Department of Recreation and Youth Services Program at Jefferson High School and administrative costs in a total amount of \$203,519 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Spaully abstained because she is an employee of the Center for Youth.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-218
 Re: Metropolitan Medical Response System Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Homeland Security for the receipt and use of \$321,221 Metropolitan Response System Program (MMRS) grant funds. Receipt of this grant was anticipated and funds have been included in the proposed 2009-10 Budget of the Fire Department.

Rochester is one of 124 cities nationwide designated by the Federal government as an MMRS jurisdiction. Since 2000, the Rochester Fire Department has led this regional program, whose purpose is to support local jurisdictions in the development and enhancement of emergency preparedness systems. The local project includes:

- Establishment and maintenance of a pharmaceutical stockpile and/or distribution network;
- Ensuring the ability to track and monitor threats from chemical or biological agents;
- Increasing interoperable communications during an emergency event;
- Maintain the Community Emergency Response Team (CERT) program to train civilians on emergency preparedness for response to all hazards events

These efforts will continue to allow the City to improve and augment existing emergency preparedness plans and capabilities. Proactive efforts toward community preparedness are essential steps to effectively respond to and minimize the effects of any incident on responders and the community.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2009-218
 (Int. No. 244)

Authorizing An Agreement For A Metropolitan Medical Response System Program Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for funding for the Rochester Fire Department under the Metropolitan Medical Response System Program.

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

Section 3. This ordinance shall take effect

immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2009-219
 Re: Summer of Opportunity Program

Transmitted herewith for your approval is legislation authorizing agreements and appropriating funds for the 2009 Summer of Opportunity Program (SOOP). This legislation will:

1. Authorize an agreement with RochesterWorks for the receipt and use of up to \$75,000 in funding for the program, and allocate these funds to the SOOP Trust Fund;
2. Appropriate a total of \$122,554 from the 2008-09 (\$50,039) and 2009-10 (\$72,515) Job Creation/Youth Development allocation of the Community Development Block Grants to partially finance the program; and
3. Authorize agreements as needed for implementation of the program.

A total of \$523,725 will be used to support several components of the 2009 SOOP that will serve 345 youth. Additional programming in coordination with Hillside Work Scholarship Connection has been proposed in separate legislation. The sources of funds are summarized below:

<u>Source</u>	<u>Amount</u>
DRYS Budget 2008-09	\$ 30,271
DRYS Budget 2009-10	295,900
CDBG 2008-09	50,039
CDBG 2009-10	72,515
RochesterWorks Grant (ARRA)	<u>75,000</u>
Total	\$523,725

The Summer of Opportunity Program (SOOP) provides summer work experience or vocational exploration opportunities to high school students between the ages of 14-20 who live in the city. Priority is given to students whose school attendance rate is at least 90% and who have had no long-term suspensions during the current school year.

SOOP Programs Selected through RFP

RochesterWorks is continuing this year in a collaborative recruitment process. A request for proposals for employment programs for City youth was issued jointly to community-based and not-for-profit organizations. The RFP stipulated that programs for 14 and 15 year olds should provide significant opportunities for work readiness, community service, and academic enrichment activities during the summer. For youth ages 16 and older, programs should provide work experience as a major activity, along with civic engagement, and academic enhancement if needed during the summer.

Forty-two proposals were received, and reviewed for description of services, past performance, and the amount of funding available. Ten proposals were selected for City funding. RochesterWorks will directly fund 26 programs, serving a total of 850 students; approximately 85% of these are city residents. The programs selected by the City will serve 220 students for a total cost of \$299,710, and are summarized below:

City Funded SOOP Programs
Selected through RFP Process: 2009

<u>Program</u>	<u>Description</u>	<u>Number of Youth</u>	<u>Total Cost</u>	<u>Indirect Cost</u>
Academy for Career Development Ability Tech-Teens	Computer technology for youth with disabilities	5	\$ 8,140	\$1,628
Baden Street Settlement - Summer Youth Literacy Program	Journalism and publishing, including an online publication	15	28,900	1,927
Charles Settlement House	Teens Achieving Career Exploration			
	Career exploration in media arts, social marketing and community organization	20	27,500	1,375
The Community Place of Greater Rochester, Inc. - Step Up to Leadership	Career exploration and pre-apprenticeship in the "green industry"	40	51,100	1,278
Ibero Arts Program	Career exploration in visual arts for the urban community	25	34,970	1,396
Iglesia Educational Centers	Iglesia Pre-Engineering Academy			
	Career exploration in science, math and engineering; community service	40	46,800	1,170
In-Control Collaboration with Baden Street	Video Production -write and produce a teleplay about a youth health issue	20	23,800	1,190
Metro Council for Teen Potential - WearArt Project	Create & market a line of clothing using silk-screening and CAD techniques	20	27,000	1,350
VOA Children's Center Summer Youth Employment Program	Work in childcare center and career exploration	15	15,000	1,000
Rochester Surround Care	Asset & geographic data mapping, environmental photography	20	36,500	1,825
Total		220	\$299,710	

Additional 2009 SOOP Programs

Community Conservation Corps (CCC) will employ 30 youth, and *Teens on Patrol (TOP)* will employ 20 youth at minimum wage (\$7.15/hr., which increases to \$7.25 on July 24) to work in City recreation centers and/or with police-sponsored programs. The youth will be ages 16 and older, and will work for 35 hours per week for seven to eight weeks, depending on the work site.

Summer of Opportunity Plus (SOOP+) will provide jobs for 20 youth ages 16 and older. Students will work in internships in various positions in the private and non-profit sectors, as well as in selected City offices.

The *Jr. Recreation Leadership* program will engage 15 youth as recreation interns, each for 20 hours a week for 8 weeks.

An agreement with the Rochester City School District will provide for payroll processing and check distribution for the 85 youth participating in the four programs listed above (CCC, TOP, Jr. Recreation Leadership, and SOOP+) at a cost of \$154,607 to cover wages and fringe benefits. RCSD is providing this service at no additional cost to the City.

Monroe Community College Youth Sports Camp (MCC-SC) will employ 10 Camp Counselor Assistants through an agreement with the City at a cost of \$9,408.

Teen Empowerment will provide coordination and oversight of the Mayor's Youth Advisory Council (MYAC), a year round program, which provides 20 youth with advocacy and job readiness skills training, for a total cost of \$60,000. Participants will receive a comprehensive overview of City government, advise the Mayor on youth issues, and coordinate the annual City Hall Youth Forum.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-219
(Int. No. 245, As Amended)

Authorizing Agreements Relating To The 2009 Summer Of Opportunity Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2009 Summer of Opportunity Program:

Organization	Total
Academy For Career Development - AbilityTech	\$ 8,140
Baden Street Settlement	28,900
Charles Settlement House	27,500

The Community Place of Greater Rochester, Inc.	51,100
IBERO Arts Program	34,970
Iglesia Educational Centers	46,800
In-Control Collaboration with Baden Street	23,800
Metro Council for Teen Potential	27,000
Volunteers of America	15,000
[Rochester Surround Care] <u>Rochester Children's Renaissance, Inc.</u>	36,500
Rochester City School District - Administrative Services	154,607
MCC - National Youth Sports	9,408
Teen Empowerment	60,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$523,725, and of said amount, or so much thereof as may be necessary, \$30,271 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, \$295,900 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services, \$50,039 is hereby appropriated from the Job Creation/Youth Development allocation of the 2008-09 Community Development Program, \$72,515 is hereby appropriated from the Job Creation/Youth Development allocation of the 2009-10 Community Development Program and \$75,000 is hereby appropriated from the funds to be received under the agreement with RochesterWorks authorized herein.

Section 3. The Mayor is hereby further authorized to enter into an agreement with RochesterWorks to receive funding for the 2009 Summer of Opportunity Program.

Section 4. The Mayor is hereby further authorized to enter into such other agreements as may be necessary for the 2009 Summer of Opportunity 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.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember McFadden abstained because he is the Board President of Rochester Children's Renaissance.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-220 and
Ordinance No. 2009-221
Re: Agreements - Law Enforcement
Psychological Associates, Mental
Health Screening

Transmitted for your approval is legislation establishing maximum compensation for agreements with Law Enforcement Psychological Associates (Dr. Jay Supnick, principal), of Rochester, to provide pre-employment psychological evaluations for the Police and Fire Departments.

A request for proposals for these services was issued in February 2009 to seven local vendors, including Law Enforcement Psychological Associates (LEPA), Rochester Psychological Associates, Dr. Thomas Letourneau, Dr. R.P. Singh, Strong Occupational Medicine, Unity Mental Health Services, and Rochester Mental Health Services. LEPA was the only firm to submit a proposal.

The LEPA proposal meets the service needs outlined in the RFP. LEPA has provided psychological screening evaluations of candidates for both the Police and Fire Departments since 2004, and is well-qualified to assist with candidate selection.

Over the last two years, the Police Department has processed approximately 350 to 400 candidates for two police classes each year. The Consultant has worked closely with RPD administrators and the Background and Recruitment unit to ensure a thorough understanding of the needs of the Department and to facilitate a smooth selection process. The consultant has subjected its data to studies of the adverse impact of psychological evaluation, notably through the International Association of Chiefs of Police (IACP), and has actively sought to select test instruments that do not show adverse impact.

Police - Pre-Employment Screening

Maximum compensation for the first year of this two-year agreement (with the option of three one-year renewals) will be established at \$60,000 and will be funded from the 2009-10 Budget of the Police Department, contingent upon City Council approval. This amount will cover the costs for candidate evaluation of one recruit class. Subsequent compensation will depend on the size of recruit classes and available funding.

The proposed cost will be \$350 per candidate assessment plus administrative costs that are associated with the process. (The 2004 cost was \$304 per candidate.)

Services related to pre-employment mental health screening for police recruit candidates will include: administration, scoring, and evaluation of psychological tests; psychological and psychiatric interviews with candidates; in-depth interviewing where indicated; preparation of written reports on each candidate; meetings with representatives of Bureau of Human Resource Management and the Police Department; and testimony before the Civil

Service Commission if needed.

Police - Fitness for Duty Evaluation

Maximum compensation for this agreement will be established at \$7,000 and will be funded from the 2009-10 Budget of the Police Department, contingent upon approval by City Council. Services will include the evaluation of sworn employees' fitness to perform their duties, in situations in which observed behavior raises concerns as to the emotional health of an officer. The consultant evaluates and makes recommendations regarding referral for treatment and placement on sick leave if appropriate.

Fire - Pre-Employment Screening

Maximum compensation for the first year of this two-year agreement (with the option of three one-year renewals) will be established at \$17,500 for pre-employment mental health screening of firefighter candidates. This amount will be funded from the 2009-10 Budget of the Fire Department, contingent upon approval by City Council.

Firefighter candidates undergo a vetting process that includes a medical exam, physical ability test, background investigation, and a psychological screening, which provides an assessment of a candidate's ability to succeed in a career in firefighting. LEPA will administer written tests which address factors predictive of firefighting job success. These tests evaluate emotional stability, personality, personality disorders, and general intelligence.

LEPA integrates the results of written examinations with an interview conducted by a psychologist to develop a composite picture of each candidate's ability to adjust to the demands of firefighting. A psychological report with a statement of strengths and weaknesses, and a suitability rating will be prepared for each candidate.

The Fire Department hires an average of 15 firefighters a year. The hiring process may include a pool of as many as 50 candidates. The average cost per candidate for the written test, interview, and final psychological report is \$350 per candidate. Additional services, such as appearances at Civil Service Commission meetings and subpoenas for court testimony, will be paid for, as needed, at fixed cost rates.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-220
(Int. No. 226)

Establishing Maximum Compensation For Professional Services Agreements For Psychological Evaluation Services For The Rochester Police Department

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and Law Enforcement Psychological Associates for pre-employment psychological evaluations for the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department. The agreement shall extend for a term of two years and may contain three one-year renewal options. The maximum amounts for the additional years shall not exceed the amounts set forth in the annual budgets of the Rochester Police Department for such purpose.

Section 2. The sum of \$7,000, 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 Law Enforcement Psychological Associates for psychological fitness for duty evaluations for the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-221
(Int. No. 227)

Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Fire Department

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

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and Law Enforcement Psychological Associates for pre-employment psychological evaluations for the Rochester Fire Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Fire Department. The agreement shall extend for a term of two years and may contain three one-year renewal options. The maximum amounts for the additional years shall not exceed the amounts set forth in the annual budgets of the Rochester Fire Department for such purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:11 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
JULY 14, 2009

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Human Resource Management

*Caryl J. Anstedt

*Nancy C. Rawlins

*Carol F. Willimas

Communications Bureau

*Grace A. Girsch

Community Development

Marcia Z. Opperman

Environmental Services

Gregory T. Marling

*Daniel A. Northrop

*Carole V. Thomas

*Frank D. Umbrino

Emergency Communications

*Beverly D. Smith

Finance

*Donna M. Corona

Information Technology

*Carol A. Lighthouse

Library

*Mary Ellen Zenkar

Fire Department

*James N. Cotton

Police Department

*Mark V. Beaudrault

*James C. Hall

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Warren

RESOLVED, that the minutes of the Public Hearing of June 10, 2009 and the minutes of the Regular Meeting of June 16, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Public Disclosure - CDBG Participation

(2) 3970-09, 3971-09

Delinquent Receivables 3972-09

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Authorizing Amendatory 2005-06 And 2006-07 Community Development Program Plans To Fund Foreclosure Prevention Int. No. 259 No speakers.

Authorizing Amendatory 2003-04 And 2004-05 Community Development Program Plans And Authorizing A Loan Agreement For The El Camino Estates Project Int. No. 262 No speakers.

Changing The Zoning Classification Of 330-332 Hayward Avenue From R-1 Low Density Residential To C-2 Community Center Int. No. 263 No speakers.

Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Lawn Street Int. No. 271 No speakers.

Approving The Urban Renewal Plan For The Dewey-Driving Park Urban Renewal District Int. No. 275 No speakers.

Changing The Zoning Classification Of Parcels On Dewey Avenue, Lexington Avenue and Driving Park Avenue From R-1 Low Density Residential, C-1 Neighborhood Center, C-2 Community Center And Driving Park Urban Renewal District To Dewey-Driving Park Urban Renewal District Int. No. 276 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Zoning Regulations For The Dewey-Driving Park Urban Renewal District Int. No. 277 No speakers.

Resolution Approving And Adopting The Amended Urban Renewal Plan For The Dewey-Driving Park Urban Renewal District Int. No. URA-7 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
July 14, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 248 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Municipal Parking Services

Int. No. 249 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Federal Lobbying Services. As Amended

Int. No. 250 - Amending Ordinance No. 2007-468, The City Arts Policy

Int. No. 251 - Establishing Maximum Annual Compensation For A Professional Services Agreement For Real Estate Title Services

Int. No. 252 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Services

Int. No. 282 - Establishing Maximum Compensation For An Agreement For The Rochester Indie Fest

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo (Absent)
Lovely A. Warren
Gladys Santiago
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-222
Re: Amendatory Agreement - Shamrock Training and Consulting, Municipal Parking Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Shamrock Training and Consulting (Principal, Dave Keefe), for continued municipal parking and operational consulting services. The original contract, authorized in July 2008 for \$9,500, was amended by Ordinance 2008-363 and by Ordinance 2009-18 for a total contractual amount of \$38,000 with an ending date of June 30, 2009.

This amendment will increase maximum compensation by \$10,000, for a total of \$48,000, and extend the term of the agreement to October 31, 2009. The additional cost will be funded from the 2009-10 Budget of the Finance Department.

Additional consulting services are required as the parking functions are consolidated within the Finance Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-222
(Int. No. 248)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Municipal Parking Services

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory

professional services agreement between the City and Shamrock Training and Consulting for municipal parking consulting services. Said amount shall be funded from the 2009-10 Budget of the Department of Finance.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-223
Re: Amendatory Agreement - The Ferguson Group, Federal Lobbying Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The original agreement, authorized in December 2008, established \$60,000 as maximum compensation for services through June 30, 2009. This amendment will increase compensation by \$64,000 and extend the term to December 31, 2009. The additional cost will be funded from the 2009-10 Budget of the Mayor's Office.

The Ferguson Group (TFG) has provided federal lobbying service for the City since December 2006; highlights of their work with the City over the past six months include:

- Advocated for significant American Recovery and Reinvestment Recovery Act funding for local governments;
- Helped develop strategies for accessing state and federal competitive ARRA funds;
- Worked to obtain \$3.325 million in the FY2009 Omnibus Appropriations Bill, for the following projects:
 - \$950,000 in transportation funding for the rehabilitation of Jefferson Avenue;
 - \$950,000 for infrastructure improvements associated with the Midtown revitalization project;
 - \$750,000 in U.S. EPA funding to implement water quality improvements at Durand Eastman Beach;
 - \$675,000 in Department of Justice funding for crime prevention efforts;
- Helped to prepare, submit, and advocate for the City's FY 2010 appropriations requests, and the inclusion of priority projects as part of the Surface Transportation Reauthorization Bill;
- Arranged for the Economic Development Agency's Northeast Director to travel to

Rochester in June to meet with City staff.

Over the coming six months, TFG will continue to work with the City on the following activities:

- Advocate for priority projects to be included in the FY 2010 omnibus appropriations bill;
- Assist the City in accessing funds from the economic recovery legislation;
- Advocate for the City’s priority projects to be included in legislation to reauthorize the nation’s surface transportation law, which will be considered by the Congress in 2009 and 2010;
- Advocate for the City’s projects to be included in the next version of the Water Resources Development Act; and
- Develop the City’s priority requests for the FY 2011 appropriations process.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-223
(Int. No. 249, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Federal Lobbying Services

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

Section 1. The sum of \$64,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services. Of [S]aid amount, \$18,000 shall be funded from the 2009-10 Budget of the Office of the Mayor and \$46,000 shall be funded from the 2008-09 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-224
Re: Amending Ordinance No. 2007-468,
City Arts Policy

Transmitted herewith for your approval is legislation Amending Ordinance No. 2007-468 which authorized various aspects of the City’s Arts Policy. As a result of this year’s, and anticipated future, budget constraints, and the transfer of the

Office of Special Events from the Department of Recreation and Youth Services to the Bureau of Communications, amendments to the policy are proposed.

Percent for Art

The current legislation stipulates that for certain capital projects using \$1,000,000 or more in City funds, 1% of the total of City funds shall be added to the cost of the project for the installation of permanent public art. It further requires that such amount be planned for in the Capital Improvement Plan, beginning with the 2009-10 fiscal year. Several problems have been encountered with this approach.

First, and foremost, is the obvious constraint on developing the annual budget when funds are limited. Given the 20% reduction in state aid, it was not possible to include any City spending for public art in this year’s CIP. However, the City was successful in lobbying federal officials for \$3.8 million in funding for the ARTWalk2 project. Also, as City staff worked on the details of implementing the Percent for Art program, it became clear that planning and tracking such spending would be unnecessarily complicated, raising issues such as:

- How is the City share for a project calculated? Most capital projects require planning over a two to five year period, and what is anticipated in year one as City funds to be used in year four often ends up being replaced by state or federal funds that become available.
- How is the 1% tracked over the several years of a project and when is it determined that the commitment has been met?
- Tying the art funding to a specific project (a requirement of using bonds) adds a significant amount of up-front time and work (solicitation, review, and selection of art; public input, etc.).

It is proposed that, in keeping with the goal of providing 1% of City capital funds for the purpose of public art, that the following changes be adopted:

- As part of the annual CIP process, 1% of the total amount of City funding committed during the fiscal year for qualifying capital projects shall be the amount set aside for Art Installations and Enhancements;
- This amount will be funded by a Cash Capital allocation and/or any federal, state, private or other funds that may become available for the purpose.

These changes will provide the following benefits:

- The ability to clearly and directly calculate an annual amount will facilitate planning.

- The ability to allocate funds outside the scope of specific capital projects, providing an opportunity for the City to develop a long-term master plan for public art.
- Flexibility for site selection, with the potential for installations equitably across quadrants/neighborhoods.
- Flexibility in budget planning.

Competitive Funding for Cultural Programs and Events

Section 6 of the legislation currently states: "The Mayor shall create an equitable administrative process for the review of applications for competitive funding for arts and cultural activities, to be administered by the *Department of Recreation and Youth Services*..." The amendment will change this to read "...the *Bureau of Communications*."

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-224
(Int. No. 250)

Amending Ordinance No. 2007-468, The City Arts Policy

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

Section 1. Ordinance No. 2007-468, the City Arts Policy, is hereby amended by amending Section 2 thereof to read in its entirety as follows:

Section 2. In the presentation of the City's annual Capital Improvement Program (CIP), 1% of the total amount of City funding committed during the fiscal year for qualifying capital projects shall be the amount set aside for Art Installation and Enhancements. Said amount may be funded through the Cash Capital Allocation and/or any Federal, State, private or other funds that may be available for said purpose.

Section 2. Section 6 of Ordinance No. 2007-468 is hereby amended by substituting the Bureau of Communications for the Department of Recreation and Youth Services as the City agency responsible for administration of the application process.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-225
Re: Agreement - Independent Title
Agency, Real Estate Title Services

Transmitted herewith for your approval is legislation establishing \$50,000 as annual maximum compensation for an agreement with Independent Title Agency, LLC, 200 Canal View Blvd, for the continued provision of real estate title services. The cost of the agreement will be financed from the 2009-10 and future Budgets for Undistributed Expense.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and real estate transactions. Most recently, these services have been provided by Independent under agreements authorized by the City Council in December 2002, January 2005, and January 2006.

The sale of delinquent tax liens to ATF provides an opportunity for significant savings in title services. For the 2007 tax foreclosure, Independent searched 2,569 titles. This year it is anticipated that between 150 and 200 foreclosure searches and approximately 200 sale or acquisition searches will be required.

Proposals for these services were solicited from nineteen firms; as in the past, Independent Title was the only firm to respond. Independent is recommended because its prices are reasonable and it has demonstrated through past performance its ability to provide reliable services in a timely manner.

Independent Title will provide title services and prepare creditor notification letters for properties in foreclosure, for the following fees per parcel.

<u>Service</u>	<u>Proposed Fee</u>	<u>Current Fee</u>
Preliminary (10-year) report	\$ 95	\$ 95
Update of prior preliminary report	70	70
Full (60-year) report with prior preliminary search	200	175
Full search without prior preliminary search	260	235

The term of the contract will be for one year, with the option for two one-year renewals.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-225
(Int. No. 251)

Establishing Maximum Annual Compensation For A Professional Services Agreement For Real Estate Title Services

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a pro-

fessional services agreement between the City and Independent Title Agency, LLC, for continued provision of real estate title services for a term of one year, with two one-year renewal options. Said amounts shall be funded from the 2009-10, 2010-11 and 2011-12 Budgets for Undistributed Expense, contingent upon adoption of the latter years' budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-226
Re: Agreement - First Consulting, Inc.,
Information Technology

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with First Consulting, Inc., Rochester for continued services to support several key Information Technology Department (ITD) projects and initiatives. The original agreement, authorized in December 2008, established maximum compensation at \$461,500. This agreement will increase this amount by \$147,960 for a total of \$609,460. The additional amount will be funded from the 2006-07 Cash Capital allocation of the Information Technology Department. This amendment will also extend the term of the contract through December 31, 2009.

As you know, ITD has undertaken an aggressive plan of work to restructure and modernize the City's information technology services and support. To facilitate the accelerated timelines for completing some of the related, critical infrastructure and application improvements, First Consulting was hired to provide the depth and breadth of required expertise.

ITD is in the process of recruiting candidates to fill vacant full-time positions and anticipates hiring for some of the positions to be complete within the first quarter of 2009-10. This amendatory agreement will provide continuity of service until City staff can assume these responsibilities.

Specifically, First Consulting will provide the following services:

- Support Public Safety initiatives including Crime Analysis, Video Surveillance and other strategic priorities through data base and data warehouse management;
- Document policies and procedures for the City's Disaster Recovery Plan and the business process mapping for the Enterprise System project, and train City staff in these processes.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-78

Ordinance No. 2009-226
(Int. No. 252)

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

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

Section 1. The sum of \$147,960, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and First Consulting, Inc. for support services for Information Technology projects and initiatives. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-227
Re: Agreement - Rochester Independent
Music Festival, Rochester Indie
Fest

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Rochester Independent Music Festival, d/b/a Rochester Indie Fest (Principals: Steven Gates, George Daddis, Ned Corman), 500 Panorama Trail, Rochester, NY 14625, for a three-day music festival. The cost of this agreement will be financed from the 2008-09 Budget of the Bureau of Communications.

The festival will be held October 1-3, 2009, and will showcase and celebrate some of the best independent musicians in the Northeast United States. Both free and ticketed concerts will be held at several venues in the South Wedge neighborhood. Using the Austin, Texas South by Southwest festival as a model, venues will include clubs, bars, cafes, small- and mid-sized halls - all within walking distance of each other; the target audiences are young professionals and area college students.

The Rochester Indie Fest debuted in 2008 as a single-day event with strong attendance, and sponsorships exceeding goals by 10%. Awareness and promotion of the event were enhanced by the use of web-based blogs, and social networks, as well as meetings with student and young professionals organizations.

The festival's total budget for 2009 is \$135,000, which includes venue/production, talent, marketing, and administration.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AI-79

Ordinance No. 2009-227
(Int. No. 282)

**Establishing Maximum Compensation For
An Agreement For The Rochester Indie Fest**

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

Section 1. The sum of \$20,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an agreement
between the City and the Rochester Independent
Music Festival, d/b/a Rochester Indie Fest for the
2009 Rochester Indie Fest. Said amount shall be
funded from the 2008-09 Budget of the Bureau of
Communications.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

By Councilmember Warren
July 14, 2009

To the Council:

The Neighborhood & Community Development
Committee recommends for adoption the follow-
ing entitled legislation:

Int. No. 253 - Authorizing The Sale Of Real
Estate

Int. No. 254 - Authorizing A Loan Agreement
For The South Avenue Commons Project

Int. No. 255 - Authorizing Lease Agreements
For Space In The Port Terminal Building

Int. No. 256 - Authorizing An Application And
Agreement For The Lead Hazard Control Pro-
gram

Int. No. 257 - Approving A Draft Amendment
To The Local Waterfront Revitalization Program
And Authorizing Its Transmission To The New
York State Department Of State

Int. No. 258 - Approving Consolidated Plan
Housing Programs And Amending Ordinances
No. 2009-196, 2007-184 And 2006-92, As
Amended

Int. No. 260 - Authorizing The Sale Of Real
Estate For The El Camino Estates Project

Int. No. 261 - Approving A Property Tax Ex-
emption And Authorizing An In Lieu Of Tax
Agreement For The El Camino Estates Project

Int. No. 283 - Resolution Approving Appoint-
ment To The City Planning Commission

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

Int. No. 259 - Authorizing Amendatory 2005-
06 And 2006-07 Community Development Pro-
gram Plans To Fund Foreclosure Prevention

Int. No. 262 - Authorizing Amendatory 2003-
04 And 2004-05 Community Development Pro-
gram Plans And Authorizing A Loan Agreement
For The El Camino Estates Project

Int. No. 263 - Changing The Zoning Classifi-
cation Of 330-332 Hayward Avenue From R-1
Low Density Residential To C-2 Community
Center

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo (Absent)
Gladys Santiago
William F. Pritchard (Did not vote on Int. Nos.
253 through 259)

NEIGHBORHOOD & COMMUNITY DEVEL-
OPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-228
Re: Sale of Real Estate

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

The first property is a vacant buildable lot and is
being sold to the adjoining owner. The buyer
plans to combine the lot with their adjoining
property. The next two properties are being sold
to adjoining owners who plan to develop each lot
into parking areas. The last parcel is being sold to
an adjoining owner who plans to build a single-
family home on the lot. Purchasers will be re-
quired to obtain all pertinent City approvals prior
to development of these lots.

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

The first year projected tax revenue for these eight
properties, assuming full taxation, current as-
sessed valuations and current tax rates, is esti-
mated to be \$2,708.

All City taxes and other charges, except water

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-80

Ordinance No. 2009-228
(Int. No. 253)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u> <u>Purchaser</u>	<u>Price</u>
66 Aldine St 120.66-3-52	40x145 Raymond Scott	\$ 200
E/H 15-21 Anderson Ave Pt 106.83-1-41.3	27x92 Jeffrey Neely	\$2,200
W/H 15-21 Anderson Ave Pt 106.83-1-41.3	26x62 *228 N. Goodman St	\$ 850
210 Jefferson Ter Pt 120.51-3-63.1	55x116 Umenzi Thompson	\$ 475

*Principals: Gary Sterns, President; Allan Sterns, Vice President

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
N/H 928 Joseph Ave Pt 091.79-3-20	16.5x120 James McCann	1,980
S/H 928 Joseph Ave Pt 091.79-3-20	16.5x120 Karen Hollister & Jessie Jones	1,980
242 Remington St 091.79-4-74	29x198 Walter Moorehead	5,757
80 Lime St 105.74-2-8	38x165 Melvin Young	6,300

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-229
Re: Loan Agreement - Gregory Street
Transfer LLC, South Avenue
Commons

Transmitted herewith for your approval is legislation authorizing a \$1,000,000 loan agreement with Gregory Street Transfer LLC, for the development of South Avenue Commons, a mixed-rate housing project; and authorizing the Mayor to adjust the interest rate and other terms and conditions of the loan, as needed. Gregory Street Transfer LLC was formed by local development firm Konar Properties (Howard Konar, principal) to develop vacant land owned by the firm at 661-663 South Avenue. The loan will be funded from 2006-07 Cash Capital.

The development, South Avenue Commons, includes the construction of a 40,000 square foot four-story mixed-use building with approximately 68 parking spaces. The \$4.8 million project includes 33 apartments on the top three floors and approximately 7,000 square feet of commercial retail space on the first floor. The apartments are a mix of market-rate and affordable (i.e., for households earning less than 120% of area median income) studio, one- and two-bedroom units.

South Avenue Commons is a significant investment in an important neighborhood mixed-use corridor on a currently vacant site. This project will bring a well-designed addition to South Avenue between Gregory and Hickory streets; the facade materials and colors have been selected to complement the character of the neighborhood. The project has received substantial support from the community and has obtained all required approvals. Construction is anticipated to begin in the summer of 2009 and to be completed in the summer of 2010.

The terms of the loan include annual interest-only payments at 1% for a term of 15 years with the principal loan amount to be paid in full in year 16. The construction phase loan will convert to permanent financing upon the issuance of a Certificate of Occupancy for the project. Forty percent (14) of the apartments will be reserved as affordable units for the term of the loan. Also, the project may qualify for Empire Zone and COMIDA Jobs Plus property tax abatement benefits.

The sources and uses of funds for South Avenue Commons are summarized below:

<u>Source of Funds</u>	
Bank loan	\$2,460,000
City loan	1,000,000
COMIDA	143,453
Developer equity	<u>1,274,421</u>
Total	\$4,877,874

Use of Funds

Land	\$ 427,297
Soft costs - construction	420,098
Hard costs - construction	3,714,145
Financing fees	<u>316,334</u>
Total	\$4,877,874

SEQR review has been completed; a negative declaration was issued in January 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-81

Ordinance No. 2009-229
(Int. No. 254)

Authorizing A Loan Agreement For The South Avenue Commons Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Gregory Street Transfer LLC for the development of affordable housing as a part of the South Avenue Commons Project. Forty percent of the apartments, or 14, shall be affordable units for the term of the loan. The loan shall be for a term of 15 years. Interest in the amount of 1% shall be payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-230
Re: Lease Agreements - Port Terminal Building

Transmitted herewith for your approval is legislation authorizing agreements for retail space in the terminal building at the Port of Rochester, with the following current vendors:

Abbott's Frozen Custard, Inc. will rent approximately 750 square feet of first floor space at a

monthly rate of \$1,031.25, or \$16.50 per square foot. The lease term will begin on August 1, 2009 and terminate on October 31, 2014.

California Rollin II will rent approximately 1,718 square feet of first floor space at a monthly rate of \$2,147.50, or \$15 per square foot. The lease will begin on August 1, 2009 and terminate on December 31, 2014, and will include the option for one five-year renewal, for which a new rental rate would be established by an independent appraisal.

Harbor View Cafe, LLC will rent approximately 575 square feet of first floor space at a monthly rental rate of \$575, or \$12 per square foot. The lease will begin August 1, 2009 and terminate on October 31, 2010, and will include the option for four one-year renewals at the same rate.

The rental rates were established through an independent appraisal prepared by Kevin Bruckner, MAI. Analysis of current building occupancy, market conditions and customer base, by the appraiser, was utilized in the development of the rental amounts.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-230
(Int. No. 255)

Authorizing Lease Agreements For Space In The Port Terminal Building

WHEREAS, the City of Rochester has received proposals for the continued lease of space in the Port Terminal Building; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed leases; and

WHEREAS, the terms of the leases are reasonable and necessary in light of their intended purpose and the public will benefit throughout the term of the leases;

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

Section 1. The Council hereby approves a lease agreement with Abbott's Frozen Custard, Inc. for the lease of approximately 750 square feet of commercial space on the first floor of the Port Terminal Building from August 1, 2009 through October 31, 2014 at a monthly rental rate of \$1,031.25.

Section 2. The Council hereby further approves a lease agreement with California Rollin II for the lease of approximately 1,718 square feet of commercial space on the first floor of the Port Terminal Building from August 1, 2009 through December 31, 2014 at a monthly rental rate of \$2,147.50.

Section 3. The Council hereby approves a lease agreement with Harbor View Café, LLC. for the lease of approximately 575 square feet of commercial space on the first floor of the Port Terminal Building from August 1, 2009 through October 31, 2010 at a monthly rental rate of \$575.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-231
Re: Agreement - US Department of
Housing and Urban Development,
Lead Hazard Control Grant
Application

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of Housing and Urban Development for the application for a Healthy Homes and Lead Hazard Control grant in the amount of \$2,000,000.

The grant application will support the City's Lead Hazard Control Program where deferred loans are made available to eligible owners of privately-held 1-4 unit residential structures. Eligible repairs include: window replacement, porch repair, painting, siding, bare soil treatment, and minor rehabilitation work associated with lead hazard control.

A City funding match of \$1,000,000 will be combined with \$1,250,000 of the HUD grant to address lead paint remediation for a total of 125 residential units over a three-year period, with an average loan of \$18,000 per unit. The remaining \$750,000 of HUD funds will be applied to lead-based paint inspections, child blood testing, lead-safe work practices training, temporary relocation, outreach, and administrative costs.

Participating owners will be required to complete a HUD-approved lead safe work practices training course. They must also agree to have child occupants under age six tested for lead poisoning if they have not done so six months before the work starts. Rental property owners will be required to produce a 10% funding match and agree to provide rents affordable to families earning incomes at or below 50% area median income. Property owners must agree to maintain the assisted unit(s) as lead-safe for a period of five years.

The program will be made available City-wide with an emphasis on enrolling families with children living in the City's "at-risk" neighborhoods. These areas comprise 41 census tracts where the incidence of child lead poisoning is greatest. If funded, applications are expected to be taken

beginning in January 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-231
(Int. No. 256)

Authorizing An Application And Agreement For The Lead Hazard Control Program

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding for the City's Lead Hazard Control Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-232
Re: Amendment of the City of Rochester
Local Waterfront Revitalization
Program (LWRP)

Transmitted herewith for your approval is legislation approving a Draft Amendment for the City of Rochester's Local Waterfront Revitalization Program (LWRP) and authorizing its submission to the New York State Department of State for review and approval.

The LWRP was originally adopted by City Council and approved by the New York State Department of State (NYSDOS) in 1990. An LWRP is designed to give coastal communities an opportunity to analyze their shoreline areas, establish policies to guide development and implement appropriate waterfront land uses and projects. Municipalities with an approved LWRP are eligible for state financial assistance to implement proposed projects.

The purpose of this draft amendment is to update the LWRP's goals and policies for future land use and development of the Port of Rochester site. The draft amendment includes a conceptual development plan that proposes a new marina basin, mixed-use land-side development, parking areas, as well as open space, trail, and other public amenity improvements.

The draft amendment has been prepared based on a series of public meetings and workshops and other community input as well as reports and recommendations from the City's marina and

waterfront development consultants and discussions with the NYSDOS. It provides appropriate guidance and direction for the future development of the site in a manner consistent with New York State coastal policies and objectives. It also establishes a broad and flexible development and design framework to guide future land use, zoning and funding decisions at the Port Site in a way that respects the waterfront environment, protects critical resources and adequately responds to future market conditions. The draft amendment consists of various modifications or updates to the following sections of the LWRP:

- Task II: Inventory and Analysis
- Task III: Policies
- Task IV: Uses and Projects
- Task V: Implementing Techniques

Following review and approval by the New York State Department of State and the conclusion of the environmental review process, the amendment will be resubmitted to Rochester City Council for a public hearing and final approval.

A copy of the Plan, including the draft amendment, has been distributed to Councilmembers.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-82

Ordinance No. 2009-232
(Int. No. 257)

Approving A Draft Amendment To The Local Waterfront Revitalization Program And Authorizing Its Transmission To The New York State Department Of State

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

Section 1. The Council hereby approves the Draft Amendment to the Local Waterfront Revitalization Program as submitted by the Mayor and authorizes the Mayor to transmit it to the New York State Department of State for initiation of the required review in accordance with Article 42 of the New York State Executive Law.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

At the Committee Meeting on July 9 2009, the Council recommended Int. No. 258 for adoption and Int. No. 259 for consideration. As a result ordinance numbers do not follow one another.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-233 and
Ordinance No. 2009-236
Re: Consolidated Plan Housing

Programs

Transmitted herewith for your approval is legislation related to the financing and implementation of City housing programs consistent with the City's Housing Policy. This legislation will:

1. Appropriate Community Development Block Grant and HOME funds as follows:

- a. \$1,113,365 from the Improving the Housing Stock and General Property Conditions allocation of the HOME Program/Housing Development Fund, as follows:

<u>Year</u>	<u>Amount</u>
2009-10	\$526,365
2008-09	\$587,000

- b. \$321,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 CDBG/Housing Development Fund;
- c. \$375,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 CDBG/Homeownership Assistance Fund;
- d. \$70,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 CDBG/Promote Housing Choice Fund;
- e. \$30,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 HOME/Homeownership Fund; and

2. Amend Consolidated Community Development Plans, to transfer a total of \$68,000 from the CDBG Housing Program Promotion allocation to the Foreclosure Prevention allocation, and to appropriate or reappropriate these funds as follows:

<u>Year</u>	<u>Amount</u>	<u>Action</u>
2006-07	\$50,000	Appropriate
2005-06	\$18,000 (Ord. 2005-309)	Reappropriate

3. Authorize agreements necessary to implement the programs.

The above actions provide a total of \$1,977,365 which will be allocated for the following purposes. Descriptions of programs, including goals and accomplishments, are attached.

Housing Development Fund (\$1,434,365)

This fund provides financing for the development of owner housing by Community Housing Development Organizations (CHDOs) through the acquisition, rehabilitation, and resale of vacant

structures; provides rehabilitation grants and loans for owner occupant repairs and lead hazard reduction for both owners and landlords; operating assistance for housing development support for the Home Rochester Program and the Focused investment Strategy. This fund also provides funding for the Emergency Assistance Repair Program, development of rental housing, and the administration of the NeighborWorks Revolving Loan Fund. Funds will be distributed through agreements with the following:

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
CHDOs	Development	\$526,365	2009-10 HOME
CHDOs, PathStone, Urban League of Rochester EDC	Development	\$587,000	2008-09 HOME
Rochester Housing Development Fund Corp.	Housing Dev't Support	\$186,000	2009-10 CDBG
Greater Rochester Housing Partnership, Inc.	Housing Dev't Support	\$80,000	2009-10 CDBG
Neighborworks Rochester	Revolving Loan Fund Operating Support	\$55,000	2009-10 CDBG

Homeownership Assistance Fund (\$473,000)

This fund provides down-payment and closing cost assistance to first-time homebuyers, pre- and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services, and mortgage default resolution. Funds will be distributed through agreements with the following:

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
The Housing Council	Foreclosure Prevention Mortgage Default Resolution and Predatory Lending Prev.	\$335,000	2009-10 CDBG
		\$18,000	2005-06 CDBG
		\$50,000	2006-07 CDBG
Empire Justice Center	Foreclosure Prevention: Predatory Lending Prevention Legal Services	\$40,000	2009-10 CDBG

NeighborWorks Rochester
Home Buyer Training
\$30,000 2009-10 HOME

Promote Housing Choice Fund (\$70,000)

This fund will help the City meet federal requirements to actively promote fair housing choice. Funds will be used for an agreement with:

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>	<u>Source</u>
Empire Justice Center	Fair Housing/Lending Monitoring Services	\$70,000	2009-10 CDBG

Public hearings on amending the 2005-06 and 2006-07 Consolidated Community Development Plans are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-83

Ordinance No. 2009-233
(Int. No. 258, As Amended)

Approving Consolidated Plan Housing Programs And Amending Ordinances No. 2009-196, 2007-184 And 2006-92

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 2009-10 Community Development Program the sum of \$766,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 HOME Program the sum of \$556,365, from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 HOME Program the sum of \$587,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program the sum of \$50,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$18,000, or so much thereof as may be necessary, to fund the following Consolidated Plan Housing Programs:

Housing Development Fund	\$1,434,365
CHDOs	\$526,365
CHDOs, PathStone, URLEDC	587,000
Rochester Housing Fund Development Corp.	186,000
Greater Rochester Housing Partnership	80,000
NeighborWorks Rochester	55,000

Homeownership Assistance Fund	473,000
The Housing Council	403,000
Empire Justice Center	40,000
NeighborWorks Rochester	30,000
Promote Housing Choice Fund	70,000
Empire Justice Center	70,000

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. Ordinance No. 2009-196, authorizing agreements for the Emergency Shelter Grant Program, as amended, is hereby further amended by increasing the amount authorized for the Veteran's Outreach Center agreement by the sum of \$7,690, thereby raising to total amount authorized for the agreement to \$15,780. Of said amount, \$983 is hereby appropriated from 2009-10 Emergency Shelter Grant Program Funds, \$5,609 is hereby reappropriated from 2007-08 Emergency Shelter Grant Program Funds and \$1,098 is hereby reappropriated from 2006-07 Emergency Shelter Grant Program Funds. Ordinance No. 2007-184, authorizing agreements for the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$5,609, which amount is reappropriated herein. Ordinance No. 2006-92, authorizing agreements for the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$1,098, which amount is reappropriated herein. The Director of Finance is authorized to make reductions in the amounts authorized for various agreements by these ordinances to reflect the unexpended funds.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

At the Committee Meeting on July 9, 2009, the Council recommended Int. Nos. 260 and 261 for adoption and recommended Int. No. 262 for consideration. As a result ordinance numbers do not follow one another.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-234,
Ordinance No. 2009-235
And Ordinance No. 2009-237
Re: El Camino Estates Project

Transmitted herewith for your approval is legislation relating to the El Camino Estates Affordable Housing Project being undertaken by Ibero-American Development Corporation. This legislation will:

1. Authorize the sale of 23 City-owned vacant lots to Ibero-American Development Corporation (IADC), or an affiliated partnership or housing development fund corporation to be formed by IADC, for the project;
2. Authorize property tax exemptions and payment-in-lieu-of-taxes agreements for the project;
3. Amend the 2004-05 and 2003-04 Consolidated Community Development Plans to appropriate, or re-appropriate, and transfer a total of \$304,401 CDBG allocations as follows:

<u>Plan Year</u>	<u>Amount</u>	<u>Action</u>
<u>Transfer from</u>		<u>Transfer to</u>
2004-05	\$300,000	Appropriate
EAHI		Rental Housing
2003-04	\$4,401	Reappropriate
New Housing		Rental Housing
Construction		
(Ord. 2003-301)		

4. Appropriate \$130,599 from the Rental Housing account of the Improving the General Housing Stock Allocation of the 2008-09 HOME Program as a development subsidy;
5. Authorize a loan agreement not to exceed \$435,000 with IADC, or a subsidiary to be formed for the project, in the form of a loan, which will be funded from the above appropriations; and
6. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project.

This project includes the construction of 24 family rental housing units, including one two-family house, and the rehabilitation of a privately owned single-family house, on clustered sites located near the El Camino Trail area in the 14621 neighborhood. A property list and map are attached.

IADC has received Low Income Housing Tax Credits and New York State Housing Trust Funds for the construction of this project. All units will be for families with 50% or less of median income. Eight units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority. At the end of the fifteen-year compliance period, the single-family homes will be offered to the tenants for purchase.

Of the 25 units in the project, six will be three-bedroom, 16 will be four-bedroom, and three will be four-bedroom handicapped accessible. Two units will be designed for the hearing- and visually-impaired and four units will be reserved for households with a family member with either a physical or developmental disability. All homes will be visitable.

All units will meet or exceed the standards for the New York State Division of Housing and Community Renewal Green Building Initiatives and the New York State Energy Efficiency Initiative.

Ordinance No. 2009-234
(Int. No. 260)

IADC has invested more than \$4M in this neighborhood, including the Buena Vista Senior Apartments, two group homes, offices for the Ibero-American Action League's Developmental Disabilities Division offices, space for an adult day habilitation program, and rehabilitation of property to house a pre-vocational training program for the developmentally disabled.

El Camino Estates is part of broad revitalization plan that includes, at the initiation of IADC, a neighborhood planning process. Participants include Group 14621, Huntington Park Block Group, Ibero -American Action League, Genesee Land Trust, Sectors 9 and 10, and City staff. The goal is to provide a plan centered on the El Camino trail.

Presently, IADC plans to partner with Group 14621 to aggressively work with neighborhood homeowners and residents to assist them in using available resources to keep their properties in good condition and enhance the appearance of the neighborhood.

Project Budget

Costs:	
Property acquisition	\$ 10,501
Soft costs	640,318
Construction	5,449,955
Construction contingency	304,514
Developer fee	803,058
Reserves	72,083
Working capital	59,000
Total	\$7,339,429
Sources:	
City HOME Program	\$ 435,000
LIHTC Equity	3,684,631
NYS Housing Trust Fund	2,100,000
Federal Home Loan Bank/TCAP	1,119,798
Total	\$7,339,429

City funds will be used to partially fund 11 homes via a 20-year permanent loan with interest at the Applicable Federal Rate (AFR) and annual interest payments of 1%. The proposed in-lieu of tax agreement would provide a 30 year exemption in consideration for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs).

Public Hearings to amend the 2003-04 and 2004-05 Consolidated Community Development Plans are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-84

Authorizing The Sale Of Real Estate For The El Camino Estates Project

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

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Ibero-American Development Corporation or an affiliated partnership or housing development fund company formed for the El Camino Estates Project, at their appraised value, for the construction of housing as a part of the El Camino Estates Project:

<u>Parcel Addresses</u> <u>SBL#</u>	<u>Dimensions</u> <u>Price</u>
46 Conkey Avenue 106.29-3-17	50'x105' \$450
58 Conkey Avenue 106.29-3-19.1	40'x145' \$450
64 Conkey Avenue 106.29-3-1.1	45'x100' \$425
97 Conkey Avenue 106.29-4-20.2	110'x91' \$600
258 Conkey Avenue 106.21-3-47	40'x123' \$425
271 Conkey Avenue 106.21-2-12	40'x125' \$425
272 Conkey Avenue 106.21-3-66	40'x124' \$425
277 Conkey Avenue 106.21-2-11	40'x124' \$425
278 Conkey Avenue 106.21-3-67	40'x124' \$425
284 Conkey Avenue 106.21-3-68	40'x124' \$425
18 Harris Street 106.29-1-81.1	40'x120' \$425
22 Harris Street 106.29-1-82	60'x130' \$500
30 Harris Street 106.29-1-35	46'x100' \$425
11 Nielson Street 106.29-1-64	40'x110' \$425
13 Nielson Street 106.29-1-65	40'x110' \$425
15 Nielson Street 106.29-1-66	40'x110' \$425
17 Nielson Street 106.29-1-67	40'x110' \$425
19 Nielson Street 106.29-1-68	40'x110' \$425
5 Woodford Street 106.29-4-10	40'x110' \$425
6 Woodford Street 106.29-1-79	40'x110' \$425
12 Woodford Street 106.29-1-77	40'x110' \$425
16 Woodford Street 106.29-1-75	39'x110' \$425
17 Woodford Street 106.29-4-16	40'x110' \$425

Section 2. City taxes and other City charges,

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-235
(Int. No. 261)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The El Camino Estates Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Ibero-American Development Corporation or an affiliated partnership or housing development fund company formed for the El Camino Estates Project, and to be used for housing as a part of the El Camino Estates Project:

<u>Parcel Addresses</u>	<u>SBL#</u>
46 Conkey Avenue	106.29-3-17
58 Conkey Avenue	106.29-3-19.1
64 Conkey Avenue	106.29-3-1.1
97 Conkey Avenue	106.29-4-20.2
258 Conkey Avenue	106.21-3-47
271 Conkey Avenue	106.21-2-12
272 Conkey Avenue	106.21-3-66
277 Conkey Avenue	106.21-2-11
278 Conkey Avenue	106.21-3-67
284 Conkey Avenue	106.21-3-68
18 Harris Street	106.29-1-81.1
22 Harris Street	106.29-1-82
30 Harris Street	106.29-1-35
11 Nielson Street	106.29-1-64
13 Nielson Street	106.29-1-65
15 Nielson Street	106.29-1-66
17 Nielson Street	106.29-1-67
19 Nielson Street	106.29-1-68
5 Woodford Street	106.29-4-10
6 Woodford Street	106.29-1-79
12 Woodford Street	106.29-1-77
16 Woodford Street	106.29-1-75
17 Woodford Street	106.29-4-16
141 Conkey Avenue	106.29-1-69

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

Section 3. The agreement shall contain such additional terms and conditions as the Mayor

deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-11
Re: Appointment - City Planning
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Julio Vazquez, 90 Waring Road, Rochester, N.Y. 14609, to the City Planning Commission. Mr. Vazquez, currently the Commissioner of Community Development, retired from City employment effective June 30, 2009.

Mr. Vazquez will fill the vacancy created by the resignation of Eleanor Chin. His term will extend to February 28, 2010.

A resume for Mr. Vazquez is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-11
(Int. No. 283)

Resolution Approving Appointment To The City Planning Commission

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

Section 1. The Council hereby approves the appointment of Julio Vazquez, 90 Waring Road, to the City Planning Commission for a term which shall expire on February 28, 2010. Mr. Vazquez shall replace Eleanor Chin, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The transmittal letter accompanying Ordinance No. 2009-236 appears on page 243 of the current Council Proceedings.

Ordinance No. 2009-236
(Int. No. 259)

Authorizing Amendatory 2005-06 And 2006-07 Community Development Program Plans To Fund Foreclosure Prevention

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

Section 1. The Council hereby approves amendments to the Community Development

Program Plans whereby, within the Improving the Housing Stock and General Property Conditions allocations, the sum of \$18,000 shall be transferred from the Housing Program Promotion Account in 2005-06 and the sum of \$50,000 from the Housing Program Promotion Account in 2006-07, to the Foreclosure Prevention/Mortgage Default Resolution Program Accounts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Warren moved to amend Int. No. 262.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

The transmittal letter accompanying this ordinance appears on page 245 of the current Council Proceedings.

Ordinance No. 2009-237
(Int. No. 262, As Amended)

Authorizing Amendatory 2003-04 And 2004-05 Community Development Program Plans And Authorizing A Loan Agreement For The El Camino Estates Project

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

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Improving the Housing Stock and General Property Conditions allocations, the sum of \$4,401 shall be transferred from the New Housing Construction Account in 2003-04 and the sum of \$300,000 from the Employer Assisted Housing Initiative Account in 2004-05, to the Rental Housing Accounts, to partially fund a loan for the El Camino Estates Project.

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Ibero-American Development Corporation or an affiliated partnership or housing development fund company formed for the El Camino Estates Project. The loan shall be for a term of 20 years with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$435,000, and of said amount, or so much thereof as may be necessary, \$105,599 is hereby appropriated from 2009-10 HOME Program Funds. ~~[\$130,599]~~ 25,000 is hereby appropriated from 2008-09 HOME Program Funds, \$300,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocations of the 2004-05 Community Development Program and \$4,401 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocations 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-238
Re: Zoning Map Amendment - Rezoning
330-332 Hayward Avenue from R-1
Low Density Residential to C-2
Community Center District

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 330-332 Hayward Avenue from R-1 Low Density Residential to C-2 Community Center District. The rezoning is being requested by the owner, whose business, ABR Wholesalers, Inc. is located directly adjacent to the subject property at 522 N. Goodman Street. The rezoning will facilitate the combining of the two parcels into a single property for transfer, title, and tax purposes.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. A negative declaration has been issued.

The Planning Commission held an informational hearing on June 8, 2009. There were no speakers in support or in opposition to the proposed rezoning. By a vote of 5-0-0, the Planning Commission recommends approval to City Council.

A public hearing is required for the Zoning Map amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-85

Ordinance No. 2009-238
(Int. No. 263)

Changing The Zoning Classification Of 330-332 Hayward Avenue From R-1 Low Density Residential To C-2 Community Center

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 330-332 Hayward Avenue, from R-1 Low Density Residential to C-2 Community Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being more particularly bounded and described as follows: Beginning at a point in the centerline of Hayward Avenue (60' ROW), at the intersection of the southerly projection of the west line of Lot 24 of the Hayward Terrace Subdivision, as filed in the Monroe County Clerk's Office in Liber 7 of Maps, Page 14, said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said projection and the west line of Lot 24, a distance of 167.8 feet, more or less, to the northwest corner thereof; thence
- 2) Easterly, along the north line of said Lot 24, a distance of 44.1 feet to the northeast corner thereof; thence
- 3) Southerly, along the east line of said Lot 24 and it's southerly projection, a distance of 164.0 feet, more or less, to the said centerline of Hayward Avenue; thence
- 4) Westerly, along said centerline, a distance of 44.0 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
July 14, 2009

To the Council:

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

Int. No. 264 - Establishing Maximum Compensation For A Professional Services Agreement For The La Avenida Streetscape Project

Int. No. 265 - Establishing Maximum Compensation For A Professional Services Agreement For The Hazardous Sidewalk Replacement Project

Int. No. 266 - Establishing Maximum Compensation For A Professional Services Agreement For The Manhattan Square Park Improvements Project

Int. No. 267 - Establishing Maximum Compensation For Professional Services Agreement For Resident Project Representation Services

Int. No. 268 - Amending Ordinance No. 2007-309

Int. No. 269 - Authorizing An Inter-Municipal Agreement For Radio Transmitting Equipment

Int. No. 284 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Jefferson Avenue Improvement Project

Int. No. 285 - Authorizing An Inter-Municipal Agreement For Highland Avenue Improvements

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

Int. No. 270 - Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimus Easements For The Lawn Street Improvement Project

Int. No. 271 - Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Lawn Street

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo (Absent)
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-239
Re: Agreement - Bergmann Associates,
La Avenida Streetscape Project
(ARRA)

Transmitted herewith for your approval is legislation establishing \$173,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for resident project representation (RPR) services for the La Avenida Streetscape Project. The agreement will be financed from the proceeds of bonds authorized by Ordinance 2009-74.

La Avenida spans North Clinton Avenue from Upper Falls Boulevard to Avenue D. The project will improve pedestrian accessibility and safety within the corridor. Work includes improvements to pedestrian crosswalks, replacement of damaged concrete and brick sidewalk areas and stone curb,

improvements to the existing lighting, introduction of two new urban plazas that will provide areas for small gatherings and community events, and various gateway and landscape improvements. The consultant will provide RPR and general consultation services during construction.

La Avenida is a first-tier funded project under the American Recovery and Reinvestment Act (ARRA). The New York State Department of Transportation (NYSDOT) recently solicited qualifications for RPR services from fifteen consultants on their Local Design Services Agreement. When City projects include ARRA funding, RPR consultants must be selected from the NYSDOT list. Based on staff availability and qualifications, the City's Bureau of Architecture and Engineering chose Bergmann Associates for the La Avenida Streetscape Project.

RPR services will coincide with project construction in summer 2009, with scheduled completion in fall 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-86

Ordinance No. 2009-239
(Int. No. 264)

Establishing Maximum Compensation For A Professional Services Agreement For The La Avenida Streetscape Project

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

Section 1. The sum of \$173,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for resident project representation services for the La Avenida Streetscape Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-74.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-240
Re: Agreement - LaBella Associates,
Hazardous Sidewalk Replacement
Project (ARRA)

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with LaBella Associates, P.C. for resident project representation (RPR) services for the replacement of hazardous side-

walks. The cost of the agreement will be financed from 2008-09 (\$100,000) and 2009-10 (\$100,000) Cash Capital. These funds are a portion of federal funds received through the American Recovery and Reinvestment Act.

The project includes removal and replacement of hazardous sidewalks at various locations throughout the city. Hazardous sidewalk replacement contracts are bid each year to replace sidewalks in a specified quadrant of the city. Under this agreement, the consultant will provide RPR and general consultation services for sidewalk replacement projects during both the 2009 and 2010 construction seasons.

Since a portion of the Hazardous Sidewalk Replacement Project construction cost qualified for funding under the American Recovery and Reinvestment Act (ARRA), RPR services must follow ARRA guidelines for consultant selection. The New York State Department of Transportation recently solicited qualifications for RPR services on ARRA projects from fifteen firms on their Local Design Services Agreement. The City's Bureau of Architecture and Engineering selected LaBella Associates based on the firm's staff availability and familiarity with the project.

RPR services will commence with project construction in Summer 2009, with scheduled completion in Spring 2010. Construction costs, including contingency, for the 2009 program are estimated at \$1,187,000. LaBella's services will continue during the 2010 Hazardous Sidewalk Replacement program that will begin in Spring 2010 and be completed by Fall 2010. The engineer's estimate for construction of the 2010 program is \$1,000,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-240
(Int. No. 265)

Establishing Maximum Compensation For A Professional Services Agreement For The Hazardous Sidewalk Replacement Project

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 established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for resident project representation services for the Hazardous Sidewalk Replacement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$100,000 shall be funded from the 2008-09 Cash Capital allocation (Local Public Works) and \$100,000 shall be funded from the 2009-10 Cash Capital allocation (Local Public Works).

Section 2. This ordinance shall take effect

immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-241
Re: Agreement - Stantec Consulting
Services, Manhattan Square Park
Phase III

Transmitted herewith for your approval is legislation establishing \$210,000 as maximum compensation for an agreement with Stantec Consulting Services Inc., for resident project representation (RPR) services for the Manhattan Square Park Phase III Project. The cost of the agreement will be financed from the proceeds of Bond Ordinance 2007-106.

Council previously authorized agreements with Stantec for RPR services for Manhattan Square Phase I work in May 2005 for \$152,000 and for Phase II work in May 2006 for \$250,000. Stantec was selected for the current phase based on this previous experience as well as qualifications and availability of personnel.

The Manhattan Square Park Phase III Project involves renovations to address safety and maintenance concerns, accommodate special events, improve the former restaurant building for leasing purposes, and enhance day-to-day park use.

Phase III includes three construction parts - A, B, and C. Part A work includes mold remediation, demolition of structural, electric and mechanical systems, structural repairs, and temporary lighting. Part B work will renovate and improve access to restrooms, and install new windows and doors. Part C work includes miscellaneous demolition, fountain reactivation, and new electrical and mechanical systems.

Part A was recently bid and will be constructed by Power and Construction Group for \$238,375. Construction is slated to begin in July 2009. Parts B and C will go out to bid in the summer of 2009; the engineers' estimate for these parts is \$1,250,000. Part B work is anticipated to begin in November, 2009. Part C work is anticipated to begin in October 2009. All work on Phase III is slated for completion by March 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-241
(Int. No. 266)

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

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

Section 1. The sum of \$210,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services Inc. for resident project representation services for Phase III of the Manhattan Square Park Improvements Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2007-106.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-242
Re: Agreements - Resident Project
Representation Services

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following companies for the provision of resident project representation services (RPR):

<u>Company</u> <u>Address</u>	<u>Amount</u>
Corneles Engineers 3495 Winton Place, Rochester	\$200,000
Lu Engineers 39 State Street, Rochester	<u>180,000</u>
Total	\$380,000

These agreements will be financed from the following sources:

<u>Corneles Engineers</u>	
Bond Ord. No. 2007-265	\$ 90,000
Bond Ord. No. 2007-266	\$ 35,000
2008-09 Cash Capital	\$ 75,000
<u>Lu Engineers</u>	
Bond Ord. No. 2009-44	\$120,000
Bond Ord. No. 2009-45	\$ 60,000

Typically, resident project representation (RPR) or inspection services for City-designed construction projects are provided in-house or by private consultants that are hired to work for a specific project. However, peak periods of the summer construction season require the City to utilize temporary resident project representation services. By providing greater flexibility with respect to the assignment of RPR for various City construction projects, the proposed agreements will expedite consultant assignments while facilitating project management and completion.

In February 2009, the Department of Environmental Services solicited qualifications for RPR services from twenty engineering firms. Based on a review of those qualifications, four companies were asked to submit proposals - Clark Engineers,

Corneles Engineers, Lu Engineers, and Passero Associates. Corneles Engineers and Lu Engineers are recommended for RPR services based on cost for services, qualifications, and the variety, experience, and availability of personnel.

Throughout the construction season, the agreements will be utilized for RPR services as projects require. Corneles Engineers or Lu Engineers will be selected based on project type, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-242
(Int. No. 267)

Establishing Maximum Compensation For Professional Services Agreements For Resident Project Representation Services

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 established as the compensation to be paid for a professional services agreement with Corneles Engineering, P.C., for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Of said amount, \$90,000 shall be funded from Bond Ordinance No. 2007-265, \$35,000 shall be funded from Bond Ordinance No. 2007-266 and \$75,000 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. 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 with Lu Engineers for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$120,000 shall be funded from Bond Ordinance No. 2009-44 and \$60,000 shall be funded from Bond Ordinance No. 2009-45.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-243
Re: Amending Ordinance No. 2007-309,
Term Project Management

Transmitted herewith for your approval is legislation amending Ordinance No. 2007-309 which

provided funding for an amendatory agreement with Bergmann Associates for term project management services.

The funding from Bond Ordinance 2007-265 shall be reduced by \$60,000 and replaced with \$60,000 from Bond Ordinance 2009-44. This change will provide appropriate funding for Bergmann to provide project management services on the Linden Street Group Curb Replacement Project that is scheduled to begin in summer 2009 and be completed by fall 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-243
(Int. No. 268)

Amending Ordinance No. 2007-309

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

Section 1. Ordinance No. 2007-309, relating to an agreement for construction resident project representation and project management services, is hereby amended by changing the source of \$60,000 in funding from Bond Ordinance No. 2007-265 to Bond Ordinance No. 2009-44.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-244
Re: Inter-Municipal Agreement -
Lease of Tower for Radio
Transmitting Equipment

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Livingston County for the lease of space on their communications tower located on Jackman Hill Road in the Town of Livonia. The term lease is for a one-year period and is renewable for four additional one-year periods.

This lease will allow the City of Rochester to install, maintain, and operate the spread-spectrum Ethernet radio communications equipment, antennas and appurtenances necessary for transmission of data between the Hemlock Filtration Plant and points monitored by our automation system at our reservoirs and within the City's water distribution network.

The nominal annual lease fee of \$115.92 covers the City share of electrical expenses for equipment at the site. The lease amount will be increased by 3% for each additional year the lease is renewed. This fee will be paid from the annual operating budgets of the Department of Environmental Services (Water Fund).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-244
(Int. No. 269)

**Authorizing An Inter-Municipal Agreement
For Radio Transmitting Equipment**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Livingston County for the lease of space on its communications tower located on Jackman Hill Road in the Town of Livonia for the placement of radio transmitting equipment of the Water Bureau. The agreement shall extend for a term of one year, with four additional one-year renewal periods.

Section 2. The agreement shall obligate the City to pay \$115.92 for the first year, which amount shall increase by 3% for each renewal year. Said amounts shall be funded from the annual budgets of the Department of Environmental Services (Water Fund), contingent upon adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-245
Re: Agreement - Fisher Associates,
Jefferson Avenue Improvement
Project

Transmitted herewith for your approval is legislation establishing \$230,000 as maximum compensation for an agreement with Fisher Associates, 135 Calkins Road, Rochester, NY for engineering planning and design services for the Jefferson Avenue (South Plymouth Avenue to West Main Street) Improvement Project. The cost of the agreement will be financed from 2007-08 Cash Capital.

The project includes milling and resurfacing; some rehabilitation of features such as drainage, curb, signage, sidewalk, streetscape, crosswalks, lighting, landscaping, and traffic calming features. At the request of the New York State Department of Transportation, the City will administer the project.

Qualifications for the engineering planning and design services were solicited from 15 firms from the New York State Local Design Service Agreement; 13 responded. Based on a review of the

qualifications, three companies were asked to submit proposals - C & S Companies, FRA, and Fisher Associates. Based on their qualifications and approach to the project, Fisher Associates is recommended.

Federal aid for construction of the project is anticipated. The 2008/2009 Federal Omnibus Appropriations provides \$950,000 for the Jefferson Avenue improvements. The funds will be requested upon the receipt of the grant documentation. Another \$294,000 in Federal aid for pavement maintenance is programmed in the Federal Fiscal Years 2009-10 and 2010-11. The project funds are as follows:

<u>Share</u>	<u>CIP</u>
Federal Share (Federal Fiscal Years 2009-11)	\$1,244,000
Local Share (as planned in CIP Program Years 2008-2011)	<u>1,070,000</u>
Total	\$2,314,000

Construction is planned to begin in spring 2011 with completion in fall 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-245
(Int. No. 284)

**Establishing Maximum Compensation For
A Professional Services Agreement For Design
Of The Jefferson Avenue Improvement Project**

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

Section 1. The sum of \$230,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fisher Associates for engineering planning and design services for the Jefferson Avenue Improvement Project (South Plymouth Avenue to West Main Street). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-246
Re: Inter-Municipal Agreement -
Town of Brighton

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement

with the Town of Brighton for road work to be conducted by the City on a portion of Highland Avenue within the Town's right-of-way.

The City's 2009 Combined Milling & Resurfacing and Micro-pave Program planned for work on Highland Avenue. Because the project includes federal American Recovery and Reinvestment Act (ARRA) funding, the City was required to certify its right-of-way throughout the project area. During this process, it was discovered that the Town of Brighton owns a short piece of the right-of-way on Highland Avenue near Edgemere Drive that is within the pavement area to be resurfaced. The City also proposes to extend the resurfacing limit past the City Line into the Town of Brighton for practical construction purposes at the Highland Avenue and David Avenue intersection.

The inter-municipal agreement will allow the City to advance the ARRA-funded project without further interruption or delay. The Town of Brighton has agreed and adopted a resolution on June 24, 2009 allowing the City to pave the small sections of its right-of-way.

The portion of the Milling and Resurfacing contract that will address Highland Avenue should be completed in late fall 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-87

Ordinance No. 2009-246
(Int. No. 285)

Authorizing An Inter-Municipal Agreement For Highland Avenue Improvements

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the City shall resurface Highland Avenue near its intersection with Edgemere Drive and extending to its intersection with David Avenue in the Town as a part of the Highland Avenue Improvement Project. Said improvements shall be made without cost to the Town.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-247 and
Ordinance No. 2009-248
Re: Acquisition of Easements and

Amending the Official Map -
Lawn Street Improvement Project

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of two permanent easements and one temporary easement, and; amending the Official Map by dedicating the two permanent easements as public right-of-way.

Pertinent information regarding the acquisition parcels is as follows:

<u>Property Owner</u>	<u>Sq Ft</u>	<u>Value</u>
RG&E	61+/-	
Permanent Easement		\$1,400
Christ Church	18+/-	
Permanent Easement		\$ 400
RG&E	629+/-	
Temporary Easement		\$1,600

As part of the Lawn Street Improvement Project, acquiring the permanent easements will allow the installation of an ADA-compliant accessible sidewalk ramp on the northeast corner of Lawn Street and Chestnut Street, and at the northwest corner of Lawn Street and Broadway. The temporary easement along the Lawn Street frontage of 89 East Avenue will be used for construction purposes during the project period.

The values were established by an independent appraisal by Robert J. Pogel, SRPA. The cost of the acquisitions will be financed from 2007-08 Cash Capital allocations.

The project includes the reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, signs, street lighting and the water main and water services; and the analysis and abandonment or repair, if necessary, of an existing areaway. Design of the project by consultant Dewberry, Inc. was authorized by Council in September 2007 (Ordinance No. 2007-347). Pavement width changes and a change in the direction of traffic flow was authorized by Council in December 2008 (Ordinance No. 2008-422 & Ordinance No. 2008-423, respectively).

The associated Official Map Amendment was presented to the City Planning Commission on June 8, 2009; the minutes of that meeting are attached. Minutes from the public informational meeting held on October 7, 2008 were previously submitted.

It is anticipated that construction will begin in Summer 2009, with substantial completion by Fall 2009.

A public hearing on the Official Map Amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-88

Ordinance No. 2009-247
(Int. No. 270)

Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimis Easements For The Lawn 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 de minimis easements over the following parcels for street purposes as a part of the Lawn Street Improvement Project:

<u>Property Owner</u>	<u>SBL #</u>	<u>Value</u>
<u>Sq. Ft.</u>	<u>Type</u>	
Rochester Gas and Electric Corporation	121.24-2-38	
61+/-	Permanent Easement	\$1,400
Christ Church	121.25-2-2	
18+/-	Permanent Easement	400
Rochester Gas and Electric Corporation	121.24-2-38	
629+/-	Temporary Easement	1,600

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$3,400, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2007-08 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-248
(Int. No. 271)

Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Lawn Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to Lawn Street:

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

Beginning at the point of intersection of the northerly line of Lawn Street and the easterly line of Chestnut Street;

Thence 1) Northerly along the easterly line of Chestnut Street on a bearing of N18°18'33" E a distance of 21.01 feet (6.404 meters) to a point;

Thence 2) Southerly through the lands of Rochester Gas and Electric Corporation (reputed owner) on a bearing of S2°57'25" W a distance of 21.78 feet (6.639 meters) to a point on the northerly line of Lawn Street;

Thence 3) Westerly along the northerly line of Lawn Street on a bearing of N71°45'37" W a distance of 5.76 feet (1.756 meters) more or less to the point or place of beginning.

And being 61± square feet (5.6± square meters).

Being part of the same premises acquired by Rochester Gas and Electric Corporation by a deed recorded in the Monroe County Clerk's Office on July 1, 1952 and filed in Liber 2762 of Deeds at Page 281.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to Lawn Street:

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

Beginning at the point of intersection of the northerly line of Lawn Street and the westerly line of New Broadway;

Thence 1) Westerly along the northerly line of Lawn Street on a bearing of N71°45'37" W a distance of 4.21 feet (1.283 meters) to a point;

Thence 2) Northeasterly through the lands of the Christ Church (reputed owner) on a bearing of N44°45'47"E a distance of 9.56 feet (2.914 meters) to a point on the westerly line of New

Broadway;

Thence 3) Southerly along the westerly line of New Broadway on a bearing of S18°36'46" W a distance of 8.56 feet (2.609 meters) more or less to the point or place of beginning.

And being 18± square feet (1.7± square meters).

Being part of the same premises acquired by the Christ Church by a deed recorded in the Monroe County Clerk's Office on October 2, 1855 and filed in Liber 127 of Deeds at Page 505.

Subject to any easements or encumbrances existing or of record.

Section 3. This ordinance shall take effect upon acquisition by the City of easements over the parcels to be dedicated herein.

Passed unanimously.

By Councilmember Miller
July 14, 2009

To the Council:

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

Int. No. 272 - Authorizing The Acquisition Of 64 Stutson Street And 4370-4380 Lake Avenue

Int. No. 273 - Authorizing An Agreement For Economic Development Support Services

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

Int. No. 274 - Designating Additional Areas For Urban Renewal As Part Of The Dewey-Driving Park Urban Renewal District

Int. No. 275 - Approving The Urban Renewal Plan For The Dewey-Driving Park Urban Renewal District

Int. No. 276 - Changing The Zoning Classification Of Parcels On Dewey Avenue, Lexington Avenue and Driving Park Avenue From R-1 Low Density Residential, C-1 Neighborhood Center, C-2 Community Center And Driving Park Urban Renewal District To Dewey-Driving Park Urban Renewal District

Int. No. 277 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Zoning Regulations For The Dewey-Driving Park Urban Renewal District

Respectfully submitted,
Dana K. Miller

John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-249
Re: Purchase of 4370-4380 Lake Avenue
And 64 Stutson Street

Transmitted herewith for your approval is legislation authorizing the purchase of two parcels, 4370-4380 Lake Avenue and 64 Stutson Street, from the New York State Department of Transportation (NYSDOT). NYSDOT will convey the property for use as a public parking lot for a \$1 waived payment. Should the City use the lot for a different purpose, the lot would be purchased from NYSDOT for fair market value.

The property was acquired by NYSDOT through eminent domain proceedings in December 1999. It was used during the construction of the O'Rourke Bridge as a staging area for contractors, with the understanding that following the completion of the bridge, the City would use the lot for public parking for surrounding property owners.

Pursuant to the requirements of the NYS Environmental Conservation Law and Chapter 48 of the City Code, this is a Type II Action. No further SEQR action is required.

The acquisition of the lot is essential to ensure that public parking is reinstated for the surrounding businesses, churches, and residents. With the anticipated opening of a restaurant at 56 Stutson Street it is expected that use will increase.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-89

Ordinance No. 2009-249
(Int. No. 272)

Authorizing The Acquisition Of 64 Stutson Street And 4370-4380 Lake Avenue

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

Section 1. The Council hereby approves the acquisition of 64 Stutson Street, SBL #047.700-2-31.2, and 4370-4380 Lake Avenue, SBL# 047.700-2-6, from the New York State Department of Transportation for the sum of \$1 for its continued use as a public parking lot. The deed will contain a reverter clause whereby the property shall revert to the State if it is not used as a public parking lot, or the City will be required to

purchase the reverter at market value if it wishes to retain the property for a different use.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-250
Re: Agreement - Greater Rochester
Enterprise, Promoting Economic
Development

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Greater Rochester Enterprise (GRE) to provide services related to attracting businesses to the City of Rochester. The agreement will be financed from the Fund for the City's Future, and will have a term of one year, expiring on June 30, 2010.

This past year, GRE has assisted in bringing several out-of-state leads to the City for development. They also support entrepreneurship and innovation within our community. GRE collaborates with government leaders, businesses, universities, and not-for profit organizations to help ensure a united approach to economic development within the City and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the City; to connect businesses to City resources; and to lead initiatives, as appropriate, to increase resources for new business establishments.

Terms of the agreement will include the following expectations:

- Identify a minimum of fifteen out-of-region business attraction opportunities for location to City sites such as Eastman Business Park or the former Valeo site;
- Include and reference the City of Rochester prominently in all of the marketing content it develops to promote the Greater Rochester Finger Lakes region;
- Provide the opportunity for the GRE Board of Directors and Executive Committee to meet regularly with the City Commissioner of the Neighborhood and Business Development Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-250
(Int. No. 273)

**Authorizing An Agreement For Economic
Development Support Services**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Enterprise for support of the City's economic development efforts.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Fund for the City's Future.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2009-251,
Ordinance No. 2009-252,
Ordinance No. 2009-253 and
Ordinance No. 2009-254
Re: Dewey-Driving Park Urban
Renewal Plan

Transmitted herewith for your approval is legislation relating to the Driving Park Urban Renewal Plan. This legislation will amend the Comprehensive Plan, the Urban Renewal Plan, the Zoning Map, and the Text of the Zoning Code as follows:

- Designate the properties at 875 Dewey Avenue and 376, 396-398 and 400-404 Lexington Avenue as eligible for inclusion in the Urban Renewal District;
- Adopt an amended Urban Renewal Plan and rename the district to Dewey-Driving Park Urban Renewal District and to create two separate areas, a North Area and a South Area;
- Expand the Urban Renewal District by rezoning the properties at:
 - 1011-1051 Dewey Avenue (odd) and 1024-1056 Dewey Avenue (even), currently C-1 Neighborhood Center District;
 - 373-375 Driving Park Avenue, currently Driving Park Urban Renewal District;
 - 308-354 Driving Park Avenue (even), 315-343 Driving Park Avenue (odd), 353, 370, 376, 396-398 and 400-404 Lexington Avenue, 733-795 Dewey Avenue (odd), and 734-862 Dewey Avenue (even), currently C-2 Community Center District; and
 - 690-728 Dewey Avenue (even), and 727 and 875 Dewey Avenue, currently R-1 Low Density Residential District; and

- Amend the text of the Zoning Code to identify that the North Area will be regulated by the C-1 Neighborhood Center District regulations, and the South Area will be regulated by the C-2 Community Center District regulations, with some modifications to the permitted and specially permitted list in both areas.

In September 2007, the City Council designated the property at 373-375 Driving Park Avenue as the Dewey Avenue Urban Renewal District. The purpose of this designation was to facilitate the sale and redevelopment of the property at 373-375 Driving Park Avenue, which was donated to the City by Wegmans Food Market. The site is now occupied by a Price Rite store.

The expansion of the Urban Renewal District is in response to a recommendation of a Conditions Analysis Report approved by City Council in December 2008. The Urban Renewal designation of these properties will facilitate the implementation of the Driving Park & Dewey Avenue Targeted Commercial Exterior Improvement Program. The Program was created with the proceeds from the sale of the property (\$425,000). Grant funds will be provided up to \$30,000 for the renovation of eligible commercial properties located in the Dewey-Driving Park Urban Renewal District, and can be administered immediately upon City Council's approval of the amendments.

A copy of the Conditions Analysis Report and the Dewey-Driving Park Urban Renewal Plan are available for review in the Office of the City Clerk.

Changes to the Urban Renewal Plan and the Text of the Zoning Code include recommendations from the City Planning Commission and recommendations for additional text changes by the Director of Zoning at the direction of the Planning Commission during testimony at the June 8, 2009 Planning Commission hearing.

The Planning Commission held an informational meeting on the plan on June 8, 2009, and by a vote of 5-0-0, recommended approval.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, an environmental determination for this unlisted action will be issued prior to City Council action.

Public hearings are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-90

Ordinance No. 2009-251
(Int. No. 274)

Designating Additional Areas For Urban

Renewal As Part Of The Dewey-Driving Park Urban Renewal District

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

Section 1. The Council further finds and declares that the area in the City of Rochester encompassing the parcels at 376-404 Lexington Avenue and 875 Dewey Avenue are substandard and insanitary and are 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 added to the Dewey-Driving Park Urban Renewal District.

Section 2. The Council finds that these areas are blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the areas are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of these areas as urban renewal areas will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-252
(Int. No. 275)

Approving The Urban Renewal Plan For The Dewey-Driving Park Urban Renewal District

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

Section 1. The Council hereby approves the Urban Renewal Plan for the Dewey-Driving Park Urban Renewal District as prepared by Ingalls Planning & Design and dated June 24, 2009. This Plan shall replace the Driving Park Urban Renewal Plan.

Section 2. The Council finds that:

- The Dewey-Driving Park Urban Renewal area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality.
- The Urban Renewal Plan for the Dewey-Driving Park District 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.
- The Urban Renewal Plan for the Dewey-

Driving Park 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. 2009-253
(Int. No. 276)

**Changing The Zoning Classification Of
Parcels On Dewey Avenue, Lexington Avenue
And Driving Park Avenue From R-1 Low
Density Residential, C-1 Neighborhood Center,
C-2 Community Center And Driving Park
Urban Renewal District To Dewey-Driving
Park 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 property, constituting 1011-1051 Dewey Avenue and 1024-1056 Dewey Avenue from C-1 Neighborhood Center; 373-375 Driving Park Avenue from Driving Park Urban Renewal District; 308-354 Driving Park Avenue, 315-343 Driving Park Avenue, 353 and 370-404 Lexington Avenue, 733-795 Dewey Avenue and 734-862 Dewey Avenue from C-2 Community Center; and 690-728 Dewey Avenue and 727 and 875 Dewey Avenue from R-1 Low Density Residential; to Dewey-Driving Park 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:

North Area

Beginning at a point in the centerline intersection of Birr Street and Dewey Avenue; said point being the point or place of beginning;

Thence 1) Easterly along the Birr Street centerline a distance of 174.2 feet more or less to its intersection of the northerly extension of the western line of lot 54 as shown on a subdivision map of Lakeview Homestead Association as filed in the Monroe County Clerk's Office in Liber 9 of maps at page 25;

Thence 2) Southerly a distance of 163.52 feet more or less to the southwest corner of said lot;

Thence 3) Westerly along southern line of lot 55 of said subdivision a distance of 4.8 feet more or less to a point;

Thence 4) Southerly and parallel with Dewey Avenue a distance of 154.80 feet more or less to the centerline of Bryan Street;

Thence 5) Westerly along said centerline 170 feet more or less to its intersection with Dewey Avenue;

Thence 6) Southerly along the Dewey Avenue centerline a distance of 67.5 feet more or less to its intersection with the easterly extension of the southerly line of lot 215 as shown on a subdivision map of Rochester Driving Park as filed in the Monroe County Clerk's Office in Liber 15 of maps at page 33;

Thence 7) Westerly a distance of 170 feet more or less to the southwest corner of said lot;

Thence 8) Northerly a distance of 219.81 feet more or less to the northeast corner of lot 283 of the aforementioned Lakeview Homestead subdivision;

Thence 9) Westerly a distance of 1.46 feet more or less to the southwest corner of lot 88 of said subdivision;

Thence 10) Northerly along the westerly line of said lot a distance of 43.79 feet more or less to the northwest corner of said lot;

Thence 11) Easterly along the northerly line of said lot a distance of 10 feet more or less to a point;

Thence 12) Northerly and parallel with the west line of lots 89 and 90 of said subdivision a distance of 120 feet more or less to the centerline of Birr Street;

Thence 13) Easterly along said centerline a distance of 162.11 feet more or less to the point or place of beginning.

South Area

Beginning at a point in the centerline intersection of Driving Park Avenue and Finch Street; said point being the point or place of beginning;

Thence 1) Easterly along center of Driving Park Avenue a distance of 206 feet more or less to the southern extension of the eastern line of lot 10 as shown on a subdivision map of Rochester Driving Park Tract as filed in the

- Monroe County Clerk's Office in Liber 15 of maps at page 33;
- Thence 2) Northerly along the easterly line of said lot 10 a distance of 153 feet more or less to the northeast corner of said lot;
- Thence 3) Easterly a distance of 80 feet more or less to the southeast corner of lot 69 of said subdivision;
- Thence 4) Northerly along the east line of said lot 69 a distance of 10 feet more or less to a point;
- Thence 5) Easterly on a line parallel 10 feet north of the south line of lot 70 a distance of 40 feet more or less to the east line of said lot 70;
- Thence 6) Northerly along east line of said lot 70 a distance of 28 feet more or less to the northwest corner of lot 4 of said subdivision;
- Thence 7) Easterly along the north line of said lot 4 and its extension a distance of 170 feet more or less to the centerline of Dewey Avenue;
- Thence 8) Southerly along said centerline a distance of 74 feet more or less to the westerly extension of the southerly line of lot 103 as shown on a subdivision map of D.W. Selye's as filed in the Monroe County Clerk's Office in Liber 9 of maps at page 78;
- Thence 9) Easterly a distance of 226.28 feet more or less to the northeast corner of lot 212 as shown on a subdivision map of D.W. Seyle's as filed in the Monroe County Clerk's Office in Liber 9 of maps at page 78;
- Thence 10) Southerly a distance of 116.83 feet along easterly line of said lot to the centerline of Driving Park Avenue;
- Thence 11) Westerly along said centerline a distance of 109 feet more or less to its intersection of the northerly extension of the easterly line of lot 25 as shown on a subdivision map of John Straub as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 15;
- Thence 12) Southerly along the eastern line of said lot 25 a distance of 134.73 feet more or less to the southeast corner of said lot;
- Thence 13) Westerly a distance of 60 feet more or less to the centerline of Broezel Street;
- Thence 14) Southerly along said centerline a distance of 80 feet more or less to the easterly extension of the north line of lot 15 of said subdivision;
- Thence 15) Westerly along northern line of said lot 15 a distance of 113.46 feet more or less to the northwest corner of said lot;
- Thence 16) Southerly a distance of 240 feet more or less to the southwest corner of lot 5 of said subdivision;
- Thence 17) Easterly along south line of said lot 5 a distance of 43.41 feet more or less to the northwest corner of lot 4 of said subdivision;
- Thence 18) Southerly along the west line of said lot 4 a distance of 136 feet more or less to the centerline of Lexington Avenue;
- Thence 19) Westerly along said centerline a distance of 27 feet more or less to its intersection of the northerly extension of the westerly line of lot 1 as shown on a subdivision map of Monroe Building Lot Association as filed in the Monroe County Clerk's Office in Liber 2 of maps at page 30;
- Thence 20) Southerly along westerly line of said lot 1 a distance of 162 feet more or less to the southwest corner of said lot;
- Thence 21) Easterly along the south line of said lot 1 a distance of 49.05 feet more or less to the southeast corner of said lot;
- Thence 22) Southerly a distance of 450 feet more or less to the southeast corner of lot 13 of said subdivision;
- Thence 23) Westerly along south line of said lot 13 a distance of 177.96 feet more or less to the centerline of Dewey Avenue;
- Thence 24) Northerly along said centerline a distance of 270 feet more or less to its intersection of the easterly extension of the southerly line of lot 50 of said subdivi-

vision;

- Thence 25) Westerly along south line of lot 50 a distance of 160 feet more or less to the southwest corner of said lot;
- Thence 26) Northerly a distance of 180 feet more or less to the northwest corner of lot 56 of said subdivision;
- Thence 27) Easterly along north line of said lot 56 a distance of 48 feet more or less to the southeast corner of lot 59 of said subdivision;
- Thence 28) Northerly along east line of said lot 59 a distance of 40 feet more or less to a point;
- Thence 29) Easterly on a line parallel with the south line of lot 58 a distance of 43 feet more or less to the east line of said lot;
- Thence 30) Northerly a distance of 122 feet more or less to the centerline of Lexington Avenue;
- Thence 31) Westerly along centerline of Lexington Avenue a distance of 245 feet more or less to the centerline intersection of Lexington Avenue and Finch Street;
- Thence 32) Northerly along the centerline of Finch Street a distance of 596 feet more or less to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-254
(Int. No. 277)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Zoning Regulations For The Dewey-Driving Park Urban Renewal District

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 amending subsection P to read in its entirety as follows:

P. Dewey-Driving Park Urban Renewal District.

- (1) North Area. Land uses within the North Area of the Driving Park Urban Renewal District will be regulated by the C-1 Neighborhood Center District Zon-

ing.

- (a) Uses allowed in the C-1 Neighborhood Center District but prohibited in the Dewey -Driving Park Urban Renewal District shall include:
 - [1] Attached single-family dwellings;
 - [2] Bed-and-breakfast establishments;
 - [3] Places of worship; and
 - [4] Convents and rectories.
 - (b) Uses specially permitted in the C-1 Neighborhood Center District but prohibited in the Dewey - Driving Park Urban Renewal District shall include:
 - [1] Community garages and parking lots;
 - [2] Homeless residential facilities;
 - [3] Hospice;
 - [4] Residential care facilities; and
 - [5] Public utilities.
 - (c) All of the requirements of the C-1 Neighborhood Center District contained in the Rochester Zoning Code shall apply.
- (2) South Area. Land uses within the South Area of the Dewey - Driving Park Urban Renewal District will be regulated by the C-2 Community Center District Zoning.
- (a) Uses allowed in the C-2 Community Center District but prohibited in the Dewey-Driving Park Urban Renewal District shall include:
 - [1] Single-family attached dwellings;
 - [2] Bed-and-breakfast establishments;
 - [3] Day-care centers;
 - [4] Animal Hospitals;
 - [5] Places of worship;
 - [6] Convents and rectories;
 - [7] Funeral homes and mortuaries; and
 - [8] Limited adult retail store when conducted entirely within an enclosed building.
 - (b) Uses specially permitted in the C-2 Community Center District but prohibited in the Dewey - Driving Park Urban Renewal District shall include:
 - [1] Amusement center;
 - [2] Animal day care;
 - [3] Drive-throughs;

- [4] Motels and hotels;
- [5] Private clubs;
- [6] Public utilities;
- [7] Research laboratories including testing facilities;
- [8] Residential care facilities;
- [9] Homeless residential facilities;
- [10] Hospices;
- [11] Rooming houses;
- [12] Vehicle service stations; and
- [13] Vehicle repair of noncommercial vehicles.

(c) All of the requirements of the C-2 Community Center District contained in the Rochester Zoning Code shall apply.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, as amended, is hereby further amended by amending subsection P to read in its entirety as follows:

P. Dewey-Driving Park Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
July 14, 2009

To the Council:

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

Int. No. 278 - Authorizing Agreements For Youth Voice, One Vision And Amending The 2009-10 Budget

Int. No. 279 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Grant Writer

Int. No. 280 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Int. No. 281 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 286 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training Services

Int. No. 287 - Establishing Maximum Compensation For An Agreement And Amending The 2008-09 Budget With Respect To A Youth Summit

Respectfully submitted,
Adam C. McFadden
Dana K. Miller

Elaine M. Spaul (Voted against Int. No. 278)
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-255
Re: Agreements - Rochester Area
Community Foundation, Nazareth
College for Youth Voice, One Vision

Transmitted herewith for your approval is legislation related to the City's Youth Voice, One Vision (YVOV) program. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation for the receipt and use of a \$35,000 grant;
2. Amend the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant; and
3. Establish \$13,000 as maximum compensation for an agreement with Nazareth College for the coordination of the YVOV youth council service learning project for the period of September 2009 through August 2010. The cost of the agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The grant will be used to support the operation and activities for Youth Voice, One Vision, a youth leadership and development program administered by DRYs. Currently, the program has eight youth officers and an estimated eighty active youth members. Participants range in age from under 10 to 18, with the majority between 10 and 15, and approximately 25% between 16 and 18.

YVOV participants develop their own goals and strategies, conduct meetings, elect officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, conferences and special events, including the Steppin' Up To Solutions youth conference, the Youth Expo, the Salute to Youth Awards Ceremony, the Anti-Violence Lock-in, monthly service learning projects, and workshops.

YVOV members act as ambassadors at two national annual conferences - the Search Institutes Healthy Youth, Healthy Communities Conference, and the National Youth Crime Watch Conference. YVOV members often participate as youth experts on local panels and frequently participate in forums and events sponsored by partner agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-91

Ordinance No. 2009-255
(Int. No. 278)

**Authorizing Agreements For Youth Voice,
One Vision And Amending The 2009-10
Budget**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the Rochester Area
Community Foundation for funding for Youth
Voice, One Vision.

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

Section 3. The sum of \$13,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for a professional
services agreement between the City and Nazareth
College for service learning project coordination
for Youth Voice One Vision. Said amount shall
be funded from the 2009-10 Budget of the De-
partment of Recreation and Youth Services.

Section 4. Ordinance No. 2009-188, the 2009-
10 Budget of the City of Rochester, as amended,
is hereby further amended by increasing the reve-
nue estimates and appropriations to the Depart-
ment of Recreation and Youth Services by the
sum of \$35,000, which amount is hereby appro-
priated from funds to be received from the Roch-
ester Area Community Foundation to fund Youth
Voice, One Vision.

Section 5. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-256
Re: Amendatory Agreement - Maranne
McDade Clay, Grant Writing and
Management

Transmitted herewith for your approval is legisla-
tion authorizing an amendatory agreement with
Maranne McDade Clay, 190 Highland Parkway,
Rochester, for services related to grant writing for
the Department of Recreation and Youth Services.
The original agreement (Ordinance No. 2007-143)
established \$15,000 as maximum compensation
and provided the option for three one-year renew-
als. This amendment will increase the annual
maximum compensation by \$20,000 to \$35,000,
and extend the term for an additional one-year
renewal. The additional amount for years three
and four will be funded from the 2008-09 and
2009-10 Budgets of the Department of Recreation
and Youth Services, respectively.

The original scope of services included the re-
search, development, and preparation of applica-
tions for grants and other public funds for submis-
sions by the Rochester Cemeteries Heritage
Foundation, Inc. A summary of Ms. Clay's ac-
complishments during the past two years is at-
tached.

This amendment will expand the scope of work to
include the management and oversight of the
grants. Ms. Clay also provides grant writing
support as necessary to the Friends of Mt. Hope
and staff in the Department of Recreation and
Youth Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-92

Ordinance No. 2009-256
(Int. No. 279)

**Establishing Maximum Compensation For
An Amendatory Professional Services Agree-
ment For A Grant Writer**

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

Section 1. The sum of \$20,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an amendatory
professional services agreement between the City
and Maranne McDade Clay for services as a
Grant Writer for the third and fourth renewal
years of the current agreement, thereby raising the
maximum amount for each year to \$35,000. The
agreement may also be extended for an additional
renewal year in an amount not to exceed \$35,000.
Said amounts shall be funded from the 2008-09
and subsequent Budgets of the Department of
Recreation and Youth Services, contingent upon
adoption of subsequent budgets.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-257
Re: Agreements - Veterinary Services

Transmitted for your approval is legislation estab-
lishing \$78,000 as maximum compensation for
agreements for veterinary services for the City's
Animal Services Unit during 2009-10. The cost
of these agreements will be funded from the 2009-
10 Budget of the Police Department.

Routine veterinary services to animals in custody
at the City of Rochester's Verona Street animal
shelter, including spay/neuter surgeries, are pro-
vided on-site through professional services
agreements with several licensed veterinarians.

Each of the consultant veterinarians provides services on a part-time or on-call basis. Weekend and evening emergency veterinary services are provided through an agreement with Animal Hospital of Pittsford/Animal Emergency Services clinic located at 825 White Spruce Boulevard.

The estimated veterinary services expenses for 2009-10 are as follows:

On-site veterinary services	\$72,000
Animal Emergency Services	<u>6,000</u>
Total	\$78,000

The shelter also expects to spend approximately \$50,000 for veterinary and surgical supplies; this amount has been included in the 2009-10 Budget. Offsetting revenues for spay/neuter surgeries are realized from sterilization fees charged to clients adopting animals from Animal Services, from the Low Income Spay-Neuter (LISN) Program, and from pets sterilized at redemption. Estimated revenues from these sources for 2009-10 are approximately \$90,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-257
(Int. No. 280)

Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

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

Section 1. The sum of \$78,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for professional services agreements for the provision of veterinary services for the Animal Services Shelter for 2009-10. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-258
Re: Agreement - Center for Dispute Settlement, Complaint Management Services

Transmitted for your approval is legislation establishing maximum compensation of \$91,950 for an agreement with the Center for Dispute Settlement, Inc. (CDS), for the provision of services relating to complaints involving members of the Rochester Police Department. The cost of the agreement will be funded from the 2009-10 Budget of the Police Department.

The most recent agreement for this purpose was authorized in July 2008. The term of the new agreement will be from July 1, 2009 through June 30, 2010, and the amount is unchanged from the previous year.

The citizen complaint review process was established by City Council Resolution No. 92-40, and modified by Resolution No. 95-8. CDS will select and train panelists, conduct hearings, and maintain related records. CDS will continue to provide complaint intake services at its own offices. CDS will also provide conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for internal hearings.

During calendar 2008, CDS administered 21 Citizen Review Board hearings, and there were two conciliation sessions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-258
(Int. No. 281)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

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

Section 1. The sum of \$91,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-259
Re: Amendatory Agreement - Cornerstone Training Institute, Asbestos Handling/OSHA Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Cornerstone Training Institute, Rochester, for continued training as part of the PRIME (Providing Realistic Incentives for Maintaining Employment) program. The original agreement for \$10,000 was executed in June; this amendment will increase maximum compensation by \$13,000 for a total of \$23,000. The additional cost will be

funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Cornerstone Training Institute is providing training in asbestos handling and related Occupational Safety and Health Administration requirements. Up to 38 PRIME participants, all city residents, will receive a minimum of 32 hours of training. Those completing training will receive job placement assistance. This training also provides the units required for OSHA 10 certification.

Cornerstone Training Institute was chosen based upon its expertise and ability to rapidly mobilize and deliver quality training services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-259
(Int. No. 286)

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

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

Section 1. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Cornerstone Training Institute for training of PRIME participants in asbestos handling and related OSHA requirements. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-260
Re: NLC Youth Summit

Transmitted herewith for your approval is legislation authorizing a \$15,000 agreement with NEAD as the fiduciary agent for the Freedom School to support the attendance of city youth at the Youth Summit in Hartford, CT. The legislation will also amend the 2008-09 Budget by transferring \$15,000 from the Contingency account to the Department of Recreation & Youth Services to fund the agreement.

The National League of Cities (NLC) has been developing a growing number of programs aimed at youth in an effort to involve young people more directly in the life of their communities. One constituency group of the NLC, the National Black Coalition of Local Elected Officials (NBC-LEO), is holding its annual Policy Development meeting in Hartford from July 22-25. As part of

that meeting, a Youth Summit has been planned that will engage young people from 13-24 years of age in discussions about leadership, education, and local government. This will be the second year that the Youth Summit will be held and it will build on the great success of last year's event.

The proposed funding will allow 25 Rochester youth plus four chaperones to attend the event. Councilmember Adam McFadden is a member of the NBC-LEO Policy Committee and will be in Hartford to provide some specific local connections for the youth at the Summit.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-260
(Int. No. 287)

Establishing Maximum Compensation For An Agreement And Amending The 2008-09 Budget With Respect To A Youth Summit

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and North East Area Development (NEAD) to provide support for City students to attend a Youth Summit sponsored by the National League of Cities in Hartford, Connecticut. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$15,000 from the Contingency Account to the Department of Recreation and Youth Services to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:33 P.M.

DANIEL B. KARIN
City Clerk

**SPECIAL COUNCIL MEETING
JULY 24, 2009**

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

Absent - Councilmember McFadden - 1.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2009-12,
Ordinance No. 2009-261 and
Ordinance No. 2009-262

Re: Renaissance Square Project

The Mayor and City Council have been asked by Main & Clinton Local Development Corporation to take certain actions with respect to the Renaissance Square Project.

We support the downtown campus of Monroe Community College ("MCC") and, with some modifications, the Transit Center. While the Transit Center brings benefits to downtown, it must coexist with the other development and we believe that it is important to reduce its impact on downtown development, particularly along the St. Paul corridor. We are submitting legislation that supports the acquisition of the property for and construction of MCC and the Transit Center subject to the following:

1. Locate the western edge of the Transit Center 185 feet from the eastern curb line of St. Paul Street;
2. Maintain bus turnarounds at the eastern and western ends of the Transit Center;
3. Locate the western bus drive to St. Paul Street such that parking is maximized for the Cox, Warner and Edwards Buildings;
4. Utilize the Mortimer Street ROW to minimize the impact of the bus drive while allowing for delivery service to the Cox Building;
5. The parcel at 211 Pleasant Street shall not be included in the Project; and
6. To the extent possible under law through existing minority hiring programs, proposed project labor agreements and other available means, there should be maximum opportunities for employment of City residents on the Project.

The City will also initiate the required action to abandon Mortimer and Division Streets as required by the Project, modified as set forth above.

The Performing Arts Center ("PAC") part of the Project is currently without an owner and unfunded for both construction and an annual operating deficit. There are no existing commitments to fund either and we do not see a current prospect for resolving these issues. The alternative of using the property for a park or some other unde-

finied use some years in the future is not consistent with the best interest of the development of this area. Proceeding with this uncertainty risks having to repay the federal funding used for the PAC. We believe that this funding is better applied to the funded parts of the Project now. Therefore, we do not recommend consenting to the taking of private property for this purpose.

The City will initiate action through private development to acquire and consolidate the properties on the corner of Main and Clinton. A condition of the acquisition will be that the site is available for staging of the MCC and Transit Center construction or another acceptable staging area is provided if the buildings are retained. Should private development that meets these criteria not develop in time to serve the needs of the Project, the City will take direct action to meet the Project's needs.

Staging is the only current purpose for the site for which the Project has funding. By taking the described action with respect to the corner properties, the City will relieve the Project of the risk of having to repay federal funds spent on this property for a PAC. Those funds can be reinvested in the balance of the Project now, when the design is not complete and the construction not started. After the staging use is completed, the consolidated property will be used for private commercial development with an emphasis on retail and retaining the historical appearance. The City will entertain all future proposals for the site.

Therefore, in order to implement the Project and subject to the conditions set forth above, transmitted herewith for your approval is legislation:

1. Approving the sale of the old Mortimer Street Garage parcel, constituting a portion of 83 Mortimer Street, SBL#106.790-1-55.1, to the RGRTA for its appraised value;
2. Consenting to the acquisition by condemnation or by purchase of parcels by the RGRTA for use for the Transit Center and for the downtown campus of MCC; and
3. Approving modifications to the Mortimer Street Garage to provide for a pedestrian connection from the garage to the Project concourse.

We believe that these actions meet all of the needs of the Project for which there is funding and for which work is scheduled to proceed and are sufficient to qualify for the next federal grant.

Respectfully submitted,
Robert J. Duffy Gladys Santiago
Mayor President

Resolution No. 2009-12
(Int. No. 288)

Resolution Consenting To The Acquisition Of Parcels For The Renaissance Square Project By The Rochester-Genesee Regional

Transportation Authority

WHEREAS, the City Council of the City of Rochester has been asked by the Rochester-Genesee Regional Transportation Authority to consent to its acquisition of parcels necessary for the Renaissance Square Project; and

WHEREAS, the City Council consents to the acquisition of parcels necessary for purposes of the downtown campus of Monroe Community College (MCC), as part of the Renaissance Square Joint Development Project with the Transit Center. The Council further consents to the taking of property for and construction of the Joint Development Project Transit Center, subject to the following:

1. Locate the western edge of the Transit Center 185 feet from the eastern curb line of St. Paul Street;
2. Maintain bus turnarounds at the eastern and western ends of the Transit Center;
3. Locate the western bus drive to St. Paul Street such that parking is maximized for the Cox, Warner and Edwards Buildings;
4. Utilize the Mortimer Street ROW to minimize the impact of the bus drive while allowing for delivery service to the Cox Building;
5. The parcel at 211 Pleasant Street shall not be included in the Project; and
6. To the extent possible under law through existing minority hiring programs, proposed project labor agreements and other available means, there should be maximum opportunities for employment of City residents on the Project.

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

Section 1. Pursuant to Section 1299-ii(1) of the Public Authorities Law, the City Council of the City of Rochester, subject to the Project modifications set forth in the second WHEREAS clause above, hereby consents to the acquisition by condemnation or by purchase of the following parcels by the Rochester-Genesee Regional Transportation Authority for use in the Renaissance Square Project for purposes of a transportation facility or for purposes of the downtown campus of Monroe Community College:

<u>Address</u>	<u>SBL #</u>
Reputed Owner	
58-60 St. Paul Street Mortimer St LLC	106.79-1-60
62 St. Paul Street Mortimer St LLC	106.79-1-59
58 Mortimer Street Mortimer St LLC	106.79-1-56

65-71 North Clinton Avenue	106.79-1-49
71 North Clinton Associates	
150 East Main Street	121.23-2-5.1
County of Monroe	
Pt. of 83 Mortimer Street	Pt. of 106.79-1-55.1
City of Rochester	
186 East Main Street	121.23-2-9
Edwin H. Cohen	
170-172 East Main Street	121.23-2-7
Edwin H. Cohen	
190-194 East Main Street	121.23-2-10
Edwin H. Cohen	
176-182 East Main Street	121.23-2-8
Byzantine Inc.	

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2009-261
(Int. No. 289)

Authorizing The Sale Of The Old Mortimer Street Garage Parcel

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

Section 1. The Council hereby approves the sale of the old Mortimer Street Garage parcel, constituting a portion of 83 Mortimer Street, SBL#106.790-1-55.1, to the Rochester-Genesee Regional Transportation Authority for its appraised value for use in the Renaissance Square Project, subject to compliance with the conditions set forth in the second WHEREAS clause of the Resolution Consenting To The Acquisition Of Parcels For The Renaissance Square Project By The Rochester-Genesee Regional Transportation Authority adopted at this meeting.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-262
(Int. No. 290)

Approving Modifications To The Mortimer Street Garage

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

Section 1. The City Council of the City of Rochester hereby approves modifications to the Mortimer Street Garage to provide for a pedestrian connection from the garage to the proposed Renaissance Square Project, subject to compliance with the conditions set forth in the second WHEREAS clause of the Resolution Consenting To The Acquisition Of Parcels For The Renaissance Square Project By The Rochester-Genesee Regional Transportation Authority adopted at this meeting. The Mayor is hereby authorized to enter into necessary agreements with Main & Clinton

Local Development Corp. and/or other necessary parties for such modifications.

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.

The meeting was adjourned at 10:40 A.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
AUGUST 11, 2009

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

Absent - Councilmember Palumbo - 1.

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

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

Recognition Ceremony

Retirement:

Information Technology

*William G. Smith

NBD

Michael L. Coniff

Fire Department

*Paul T. Savastano

*Christopher Shevlin

Police Department

*Glenn Beard

*Charles E. Clottin

James Hall

*Margarita J. Perez-Dunham

*Michael Vasquez

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of July 14, 2009 and the minutes of the Special Meeting of June 24, 2009 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 3973-09

Quarterly Report - Professional Service Agreements 3974-09

Public Disclosure - HOME Participation (5) 3975-09, 3976-09, 3977-09, 3978-09, 3979-09

Public Disclosure - CDBG Participation (3) 3980-09, 3981-09, 3982-09

East End Garage Evaluations 3983-09

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 Part Of 640 Jefferson Avenue And 654-658, 663-687, 666, 672, 676 And 691-693 Jefferson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center Int. No. 306 No speakers.

Amending The Official Map By Abandonment Of A Portion Of School Alley From Broad Street To Its South End Int. No. 318 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
August 11, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 291 - Cancellation Of Taxes And Charges

Int. No. 292 - Acceptance Of Library Computer Grant And Amending The 2009-10 Budget

Int. No. 293 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Benefits Programs

Int. No. 294 - Establishing Maximum Compensation For A Professional Services Agreement For GIS Training

Int. No. 295 - Authorizing Amendatory Agreements For Operation Of The Court Street And High Falls Parking Garages

Int. No. 315 - Resolution Authorizing Establishment Of A Sister Cities Relationship With Alytus, Lithuania

Int. No. 321 - Amending The 2008-09 Budget

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo (Voted on Int. No. 321 only)

Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-263
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legisla-
tion approving the cancellation or refund of taxes
and charges totaling \$4,226.71.

The subject property was classified incorrectly on
the 2009 final assessment roll as being part of the
Non-Homestead class. It is a mixed-use property
with the majority of the floor space used for resi-
dential purposes and, therefore, should be classi-
fied and taxed as a Homestead property.

If this cancellation is approved, total cancellations
thus far for 2009-10 will be \$ 4,226.71.

	<u>Accounts</u>	<u>Amounts</u>
City Council	1	\$4,226.71
Administrative	0	0
Total	1	\$4,226.71

These cancellations represent .002% of the taxes
receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-263
(Int. No. 291)

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 misclassified as being
part of the Non-homestead Class on the
2009 Final Assessment Roll. It is a Home-
stead property taxable at the lower rate.

S.B.L.#:	121.43-2-19
Class:	H
Address:	377-379 Park Av
Amount:	\$4,226.71
Grand Total:	\$4,226.71

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

Section 3. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-264
Re: Agreement - Gates Foundation,
Grant for Branch Library
Technology

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the Gates
Foundation for the receipt and use of a \$17,700
grant, and amending the 2009-10 Cash Capital
allocation (Library) by this amount.

The grant will be used to purchase computer hard-
ware, software, and peripherals for patron use at
the Lincoln, Lyell, Maplewood, and Wheatley
Branch Libraries, thereby enhancing Library liter-
acy efforts. It is anticipated that the computers will
be installed by the end of this calendar year.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2009-264
(Int. No. 292)

**Acceptance Of Library Computer Grant And
Amending The 2009-10 Budget**

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

Section 1. The Council hereby approves the
acceptance of a Gates Foundation Grant for Branch
Library computers.

Section 2. Ordinance No. 2009-188, the 2009-
10 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 \$17,700, which amount is
hereby appropriated from the grant funds author-
ized herein.

Section 3. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-265
Re: Amendatory Agreement - EBS Benefit
Solutions, Health Reimbursement
Accounts

Transmitted herewith for your approval is legisla-
tion authorizing an amendatory agreement with
EBS Benefit Solutions to provide additional ad-
ministrative services for a new employee benefit
program. The original agreement, authorized in
December 2006, provides for the administration of
employee flexible spending accounts at a cost of
\$63,000. This amendment will increase maximum

compensation by \$25,000 for a total of \$88,000. The additional cost will be funded from the 2009-10 Budget for Undistributed Expense.

In addition to the currently offered Medical and Dependent Care Flexible Spending Accounts (FSAs), Health Reimbursement Accounts (HRAs) will be established for all Union-represented employees effective September 1, 2009. This new benefit is a result of recent collective bargaining negotiations with each of the City's labor unions. HRAs are governed by the Internal Revenue Service, are funded by employers, and provide reimbursement to participants for out-of-pocket medical expenses (i.e., co-pays, eyewear, and dental services).

The HRAs will be funded from the projected savings resulting from the new health insurance plans designed by the City of Rochester's Labor/Management Health Care Committee. The annual amount to be deposited into each employee's HRA is specific to each Labor Union as follows:

	Year 1 Sep 2009 - <u>Aug 2010</u>	Year 2 Sep 2010 - <u>Aug 2011</u>	Year 3 Sep 2011 - <u>Aug 2012</u>
AFSCME, Local 1635	\$237.50	\$450.00	\$450.00
Police Locust Club	\$400.00	\$800.00	\$800.00
IAFF, Local 1071	\$400.00	\$800.00	\$800.00
IUOE, Local 832S	\$237.50	\$450.00	\$450.00

The HRAs will initially be set up through EBS Benefit Solutions, the current FSA administrator. In anticipation of the December 31, 2009 expiration of the EBS contract, proposals will be solicited for the combined FSA/HRA services for the January 2010 plan year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-265
(Int. No. 293)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Benefits Programs

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and EBS Benefit Solutions to administer the Flexible Spending and Parking/Transit Reimbursement Programs. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-266
Re: Agreement - Bergmann Associates,
Geographic Information Services
Training

Transmitted herewith for your approval is legislation establishing \$18,200 as maximum compensation for an agreement with Bergmann Associates, located in the city, to train City staff in the use of geographic information systems (GIS). The cost of this agreement will be funded from the 2008-09 Budget of the Department of Community Development (\$10,000), and the 2009-10 Budgets of the Departments of Environmental Services (\$7,115) and Neighborhood and Business Development (\$1,085).

GIS training will be provided for City staff who are assigned to the new Quadrant Teams. This training will ensure that each quadrant team has adequate GIS support for their projects.

Bergmann Associates will provide certified ESRI software training in ArcGIS Desktop II, ArcGIS Desktop III, and Building Geodatabases. Bergmann is the only certified ArcGIS trainer in the area.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-266
(Int. No. 294)

Establishing Maximum Compensation For A Professional Services Agreement For GIS Training

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

Section 1. The sum of \$18,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for Geographic Information Systems training. Of said amount, \$7,115 shall be funded from the 2009-10 Budget of the Department of Environmental Services, \$1,085 shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development and \$10,000 shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-267
Re: Amendatory Agreements - AllPro
Parking and Central Parking,
Garage Operations

Transmitted herewith for your approval is legisla-
tion authorizing amendatory agreements for the
operation of the Court Street and High Falls ga-
rages, as follows:

AllPro Parking LLC - Court Street Garage

The agreement for operation of this garage was
authorized by Ordinance No. 2005-265. The
amendatory agreement will:

1. Extend the term for one year, through August
31, 2010, with a provision for earlier termina-
tion by the City with 60 days notice; and
2. Authorize AllPro Parking to deduct the cost
of maintaining the revenue control equip-
ment, once the warranty expires on June 10,
2010; and

Central Parking, d/b/a Allright New York Parking,
Inc. - High Falls Garage

The agreement for the operation of this garage was
authorized by Ordinance No. 2006-309. The
amendatory agreement will extend the term for one
year, through September 30, 2010, with a provision
for earlier termination by the City with 60 days
notice.

Amendments to these agreements are recom-
mended so that termination dates can be matched
to other garage operating agreements. This will
facilitate the City's option to consider packaging
several garages for new operating agreements
during the next year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-267
(Int. No. 295)

**Authorizing Amendatory Agreements For
Operation Of The Court Street And High Falls
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 amendatory agreement with AllPro
Parking, LLC, for operation of the Court Street
Parking Garage for an additional term of one year,
subject to termination for the convenience of the
City upon sixty days notice by the City. Upon
termination of the revenue control equipment war-
ranty, AllPro shall be authorized to deduct the cost
of a City-approved maintenance agreement for the
remainder of the term.

Section 2. The Mayor is hereby authorized to
enter into an amendatory agreement with Central

Parking, d/b/a Allright New York Parking, Inc. for
operation of the High Falls Parking Garage for an
additional term of one year, subject to termination
for the convenience of the City upon sixty days
notice by the City.

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 im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-13
Re: Agreement - Alytus, Lithuania,
Sister City Relationship

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the City of
Alytus, Lithuania to establish a relationship with
the City of Rochester as part of the International
Sister Cities of Rochester, Inc. (ISCOR) program.

In 1958, Rochester helped initiate a national
movement of citizen diplomacy intended to build
international understanding and contribute to world
peace. Its activities have included international
exchanges in education, culture, tourism, business,
and humanitarian aid. Since then Rochester has
developed relationships with 11 international cities.
The Rochester program is run by volunteers who
serve on individual Sister Cities Committees, and
the umbrella organization of ISCOR.

In 2006 a diverse group of community volunteers
proposed a Sister City connection with Alytus,
Lithuania, and recommended a program of activi-
ties to develop a mutually beneficial relationship
for the partner communities. The ISCOR Board of
Trustees endorsed the recommendation and desig-
nated the group as the "Alytus-Rochester Friend-
ship Committee" to explore and develop a program
that could serve as the basis for a long-term, Sister
City relationship. The committee has since devel-
oped exchanges of high school students and musi-
cians, participated in and sponsored Rochester
community international events, and helped devel-
op a counterpart volunteer committee in Alytus,
laying the necessary foundation for a successful
relationship.

Alytus lies on the banks of the Nemunas River in
southern Lithuania, near the border with Poland. It
is the historical center of the Dzukija region, with a
population of approximately 69,000. Historically a
notable center of commerce on the Nemunas River,
Alytus lies on a main export route for Lithuanian
goods. The region is noted for its beautiful land-
scapes, rivers, lakes, and forests. Alytus itself is
known for its festivals and parks, including the
Vidzgiris forest, a 1,100 acre botanical reservation.
Its cultural life annually includes over 500 con-
certs, performances, exhibitions, and other events,
and many professional and amateur arts organiza-

tions. Alytus College caps the city's network of general, vocational, arts and music schools.

The ISCOR Board of Trustees evaluated the progress of the Alytus-Rochester Friendship Committee at their May 4, 2009 meeting, and recommends that a Sister City relationship be established.

Upon similar approval by the Alytus City Council, the mayors of both cities will then enter a Sister City agreement which will formally adopt Alytus as Rochester's 12th Sister City.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-13
(Int. No. 315)

Resolution Authorizing Establishment Of A Sister Cities Relationship With Alytus, Lithuania

WHEREAS, residents and elected officials in and around the City of Rochester, in the State of New York, and the Country of the United States, and residents and elected officials in and around the City of Alytus, Lithuania, have expressed a common desire to develop a permanent relationship between the two cities in the areas of education, medicine, economics, technology, culture and other areas of interest; and,

WHEREAS, it is expected that this relationship will include educational, medical, economic, technical, cultural and other exchanges that will result in better understanding and appreciation of the cultures of the respective communities by their citizens; and,

WHEREAS, it is expected that this relationship will provide many other beneficial results and be advantageous to the residents of both Rochester and Alytus; and,

WHEREAS, the Board of Trustees of International Sister Cities of Rochester, NY, Inc., recommends the establishment of a sister cities relationship with Alytus;

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

Section 1. The City Council of the City of Rochester approves the establishment of a sister cities relationship between the City of Rochester and the City of Alytus, Lithuania.

Section 2. The Mayor is hereby authorized to enter into an agreement with the City of Alytus for the establishment of a Sister Cities relationship following approval of the relationship by the City Council of the City of Alytus.

Section 3. The City Clerk is directed to send a certified copy of this resolution to the Mayor and City Council of the City of Alytus, Lithuania.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-268
Re: 2008-09 Budget Amendment

Transmitted herewith for your approval is legislation amending the 2008-09 Budget. This legislation will:

1. Increase Cash Capital allocations by \$7,000,000 to fund one-time capital expenditures by:
 - a. Decreasing the appropriations of several departments by a total of \$2,700,000 to reflect a portion of the savings from the hiring freeze;
 - b. Transferring \$4,300,000 from Contingency;
2. Transfer \$2,985,000 from Contingency to the Police, Fire and Undistributed departments for pending wage and salary settlements;
3. Transfer \$98,000 from Contingency to the Fire Department.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 50 other amendments to the 2008-09 budget. These amendments reflected 14 appropriation transfers, 35 appropriation increases based upon the receipt of additional revenues, and one appropriation decrease due to the repeal of Ord. No. 2009-06.

Actual receipts and expenditures for 2008-09 will be audited by the City's external auditors, Freed, Maxick and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

Two main factors will enable the acceleration of several capital projects and will provide some budget flexibility going forward:

1. A hiring freeze in place during the entire fiscal year as well as the containment of overtime expense. The Office of Management and Budget estimates the General Fund savings from the freeze and overtime containment to be over \$4.1 million;
2. Tightly managing the budget during the year and limiting the use of contingency funds.

A shortfall in sales tax collections was offset by a combination of unanticipated revenue to the General Fund from the 2008-09 lien sale (\$4.1 million),

fuel savings, and savings from the hiring freeze.

The proposed increase to the Cash Capital allocation is to fund priority capital projects and accelerate several capital projects included in the City's Capital Improvement Program, as well as items discussed during the Council's review of the proposed 2009-10 Budget. This proposal also provides future flexibility. These projects and their amounts are:

Land Acquisition and Site Preparation	\$2,900,000
Former Photech Site Infrastructure	1,900,000
North Street Recreation Center	600,000
Street Milling & Resurfacing	831,000
City Hall-B Building Elevator Upgrade	250,000
High Falls Heritage Race Repair	290,000
Switchgear Replacement at 911 Center	85,000
S. Clinton Avenue Street Design	82,000
Finance Business Process Mapping	62,000
Total	\$7,000,000

On June 17, 2008, when the 2008-09 Budget was adopted by the City Council, salary and wage rates had not yet been established for employees represented by the International Association of Firefighters, Inc. (IAFF) nor the Rochester Police Locust Club, Inc., as both collective bargaining agreements were in negotiation. Negotiations with both unions are not yet completed, and the City is currently proceeding with mediation with the IAFF and Police Locust Club. An allowance is being made for the projected anticipated costs for these not yet settled contracts.

Fire Department expenditures exceeded the Department's authorized appropriation primarily due to overtime necessitated by an increase in sick time usage. This proposed transfer from Contingency to the Fire Department is to ensure compliance with Section 6-16 of the Charter.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-93

Ordinance No. 2009-268
(Int. No. 321)

Amending The 2008-09 Budget

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

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by decreasing the following appropriations by the sum of \$2,700,000 and transferring said amount to the Cash Capital allocation:

Administration Office of Management and Budget/311	\$263,000
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Neighborhood Service Centers	98,600
Community Development	103,900
Environmental Services	552,400
Finance	55,600
Recreation and Youth Services	122,800
Police	903,700
Undistributed	600,000

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$7,383,000 from the Contingency allocation to the following appropriations:

Police	\$1,665,400
Fire	1,140,600
Undistributed	277,000
Cash Capital	4,300,000

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
August 11, 2009

To the Council:

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

Int. No. 296 - Authorizing The Sale Of Real Estate

Int. No. 297 - Approving The Granting Of A Permanent Easement Over Former Railroad Right Of Way Adjacent To 44 Scrantom Street

Int. No. 298 - Authorizing An Agreement For Elevator Inspection Services

Int. No. 299 - Amending The 2009-10 Budget With Respect To The Bureau Of Planning And Zoning Intern Program

Int. No. 300 - Appropriating Funds For The Private Housing Demolition Program

Int. No. 301 - Authorizing An Agreement For The Beechwood Focused Investment Strategy Project

Int. No. 302 - Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Vacant Lot Fencing And Greening Program

Int. No. 303 - Authorizing The Sale Of Real Estate For The Mildred Johnson Estates II Affordable Housing Project

Int. No. 304 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates II Affordable Housing Project

Int. No. 305 - Approving A Loan Agreement

For The Mildred Johnson Estates II Affordable Housing Project

Int. No. 319 - Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program

Int. No. 320 - Appropriating Funds And Authorizing Agreements For The Homeless Prevention And Rapid Re-Housing Program

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

Int. No. 306 - Changing The Zoning Classification Of Part Of 640 Jefferson Avenue And 654-658, 663-687, 666, 672, 676 And 691-693 Jefferson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center

The following entitled legislation is being held in Committee:

Int. No. 318 - Amending The Official Map By Abandonment Of A Portion Of School Alley From Broad Street To Its South End

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo (Abstained on Int. No. 320)
Gladys Santiago (Voted on Int. No. 320 only)
William F. Pritchard (Voted on Int. No. 320 only)
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-269
Re: Sale of Real Estate

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

The first two properties are a two-family and four-family home, respectively. Both will be rehabilitated and receive new Certificates of Occupancy. The next property will be rehabilitated into a plumbing supply building. The fourth parcel is being sold to an individual who plans to renovate the structure into a small storage building for home repair materials. Purchasers will be required to obtain all pertinent City approvals prior to rehabilitation of these structures.

The next two properties will be sold to the Rochester Housing Development Fund Corporation (RHDFC). Both structures will be rehabilitated and sold to owner-occupant, first-time buyers.

The last sale is a buildable lot that is being sold to an adjoining owner. The buyer will use the lot for additional green space and combine the lot with her adjoining parcel.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$10,277.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-94

Ordinance No. 2009-269
(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 request for proposal sale of the following parcels of improved property:

Table with 3 columns: Address S.B.L.#, Lot Size, Price Purchaser. Rows include 697 Genesee St, 703 Genesee St, 923-925 Maple St, 65-75 Wilton Ter.

Section 2. The Council hereby approves the negotiated sale of the following parcels of improved property:

Table with 3 columns: Address S.B.L.#, Lot Size, Price Purchaser. Rows include 237 Sherwood Ave, 80 Chapin St.

*Principals: Jean Lowe, President; Michael Burke, Treasurer

Section 3. The Council hereby approves the

negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u> <u>Purchaser</u>
217-223 Berlin St 106.24-1-47 & 48	64x107	\$ 150 Yvette Rosa

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-270
Re: Easement - Scrantom Street

Transmitted herewith for your approval is legislation authorizing the granting of a permanent easement over City-owned property to Daisy Pagan and Agnes Ramos, the owners of the adjacent property at 44 Scrantom Street. The subject easement comprises approximately .028 acres and is part of the former CSX railroad right-of-way.

The City acquired this property from CSX Transportation, Inc. in November, 2006. The granting of this easement, for ingress and egress, will allow the owners of 44 Scrantom Street access to their garage located at the rear of the property.

The purchase amount of \$350 was established through an independent appraisal prepared by Stephen Ferrara, SRA of Pogel, Schubmehl & Ferrara, LLC. The City's Department of Environmental Services has reviewed this transaction and concurs with the granting of the easement.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-95

Ordinance No. 2009-270
(Int. No. 297)

Approving The Granting Of A Permanent Easement Over Former Railroad Right-Of-Way Adjacent To 44 Scrantom Street

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

Section 1. The Council hereby approves the granting of a permanent easement over a portion of a City-owned parcel of former railroad right-of-way adjacent to 44 Scrantom Street, comprising approximately 0.28 acres, to Daisy Pagan and

Agnes Ramos for the sum of \$350.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-271
Re: Agreement - National Elevator Inspection Services, Inc.

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. Primarily, this agreement stipulates the amounts building owners will be charged to have their elevators inspected. It will also include maximum compensation of \$10,000 to be paid by the City for any elevator inspection services that City staff are not able to complete. The cost of this agreement will be financed from the 2009-10 Budget of the Department of Neighborhood and Business 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 City Council on July 18, 2006, in Ordinance No. 2006-219.

Under the agreement, National will provide the following services at the following designated rates:

1. Review and approval of permit applications, plans and specifications related to the construction and installation of new and existing conveyances - \$45.00 per hour.
2. Safety Test Witness Inspection and re-inspection due to failure of test - \$65.75 per hour.
3. Periodic re-inspection of existing conveyances and re-inspection due to failure of test or uncorrected violations - \$55.75 per unit.
4. Issuance of certificates, as appropriate - no charge.
5. Investigation of complaints of improper maintenance referred by NBD - no charge.
6. Decommissioning conveyances for use when ordered by the Commissioner of NBD - \$55.75 per unit.

The agreement will have a term of one year with provision for renewal for two additional one-year periods.

Approximately 3,000 certificates are issued each

year in the City, each of which requires an inspection. Elevators are also subject to annual safety and five-year full-load test inspections. Accordingly, total annual fees received by National, from both the City and applicants, are expected to be approximately \$400,000.

A request for proposals for these services was issued in March 2009; National Elevator Inspection Services, Inc. was the only firm to respond.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-271
(Int. No. 298)

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 one-year renewal options.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000 annually for such services, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 and subsequent budgets of the Department of Neighborhood and Business Development, contingent upon approval of 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-272
Re: Bureau of Planning and Zoning
Intern Program

Transmitted herewith for your approval is legislation appropriating \$4,300 from the Improving the Housing Stock allocation of the 2008-09 Consolidated Community Development Plan; and amending the 2009-10 Budget of the Department of Neighborhood and Business Development to provide wages for summer interns.

The funds will be used for two college students who will be assigned to the Bureau of Planning and Zoning for seven-week internships, from June 29

through August 14, 2009. The two positions will be funded at \$7.90 per hour with the interns working between 20-32 hours per week.

The two interns, selected following a competitive application process, will be assigned to Planning and Zoning projects, such as a review of the 2003 Zoning Code revisions, the Rochester Refugee Consortium project, and the Action Plan update process.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-272
(Int. No. 299)

Amending The 2009-10 Budget With Respect To The Bureau Of Planning And Zoning Intern Program

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Neighborhood and Business Development by the sum of \$4,300, which amount is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program to fund the Bureau of Planning and Zoning Intern Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-273
Re: Focused Investment Strategy -
Private Housing Demolition Program

Transmitted herewith for your approval is legislation appropriating \$200,000 from the 2008-09 Community Development Block Grant to fund the Private Housing Demolition Program, a component of the City's Focused Investment Strategy. These funds are included in the CDBG Improving the Housing Stock and General Property Conditions allocation of the Neighborhood and Asset-Based Planning category.

The Private Housing Demolition Program will allow for the removal of vacant and blighted privately-held residential structures located in the FIS areas. Eligible properties will be those that are identified as unsafe, dangerous or a public nuisance per the guidelines of Section 47-A16 of the City Code. Identified properties will be subject to the City's private demolition hearing process to determine if the structure should be demolished.

FIS stakeholders will work with City Neighborhood Service Center staff to identify candidate properties for the program. The goal is to demolish two or three structures in each FIS area; the funds are sufficient to address a total of 10 demolitions. Property eligibility will be determined between August and September 2009 and are expected to enter the hearing process by the end of September. The timeframe for properties to be demolished is expected to be about nine months, including the three months to obtain a hearing date.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-273
(Int. No. 300)

Appropriating Funds For The Private Housing Demolition Program

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$200,000, or so much thereof as may be necessary, to fund the Private Housing Demolition Program in the Focused Investment Strategy Areas.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-274
Re: Agreement - NEAD, Beechwood
Focused Investment Strategy

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with North East Area Development, Inc. (NEAD) located at 360 Webster Avenue, Rochester, to act as general contractor for the renovation of a building at 256 Webster Avenue, as part of the City's Focused Investment Strategy (FIS); and appropriating this amount from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Consolidated Community Development Plan.

The property at 256 Webster Avenue is a component of a larger FIS project that includes the renovation of three properties near the intersection of Webster Avenue and Melville Street. This site has been identified as a priority project by the Beechwood FIS Team working in conjunction with community leaders. The project includes the rehabilitation of 256 Webster Avenue, including improvements to the neighboring vacant lot; demolition of 264-268 Webster Avenue; and a development plan for 262 Webster Avenue.

Initial use for 256 Webster will include: an office for NEAD Realtors that focuses on City real estate activities; storage for a community tool library; storage for materials donated by Home Depot that have been designated for distribution to area residents; and office space for use by the City FIS Team and associated partners. Finally, NEAD will be using the site to coordinate construction of the Eco-dome, a completely green energy housing structure to be constructed next to 256 Webster Avenue.

NEAD has invested over \$35,000 in renovating the building and has leveraged an additional \$10,000 for other work. Work completed to date includes: installation of a new bathroom and fixtures, new hardwood floors, stamped ceilings, shelving in the tool area, and wiring; and renovation and painting of interior walls. Remaining work will include installation of a new wrought iron fence to match other properties in the neighborhood, resurfacing of the parking lot, and a new exterior façade.

The City funds, along with a \$10,000 Main Street grant, will be used as follows:

<u>Item</u>	<u>Cost</u>
Windows, doors, façade treatment (incl. lighting, awning)	\$25,000
Parking Lot	15,000
Fencing	10,000
Total	\$50,000

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-274
(Int. No. 301)

Authorizing An Agreement For The Beechwood Focused Investment Strategy 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 North East Area Development, Inc. for funding for the renovation of the commercial building at 256 Webster Avenue as a part of the Beechwood Focused Investment Strategy Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-275
Re: Focused Investment Strategy -
Vacant Lot Fencing and Greening
Program

Transmitted herewith for your approval is legislation appropriating \$200,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Block Grant to fund the Vacant Lot Fencing and Greening Program, which is a component of the Focused Investment Strategy; and authorizing any agreements required to implement the program.

The Vacant Lot Fencing and Greening Program is intended to beautify neighborhoods while simultaneously engaging residents in community-building projects. Fencing will be installed by a contractor and planting materials will be made available to community groups that wish to beautify the lots. These enhancements will create clean and inviting vacant lots that could lead to an increase in passive recreation and community gardening within City neighborhoods.

The cost per lot will not exceed \$5,000, depending on lot size and fencing material selected, allowing for as many as sixty lots to be addressed. City funds will be expended through a purchase requisition for supplies, equipment and services, using an existing term contract that provides fencing, and another term contract with various area nurseries for the provision of trees and plants. Community groups, upon applying for and receiving a garden permit, will be supplied with materials to green and beautify the lots.

The program will be evaluated for possible extension City-wide.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-96

Ordinance No. 2009-275
(Int. No. 302)

Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Vacant Lot Fencing And Greening Program

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$200,000, or so much thereof as may be necessary, to fund the Focused Investment Strategy Vacant Lot Fencing and Greening Program.

Section 2. The Mayor or his designee is hereby authorized to enter into such agreements as may be necessary to implement the Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-276,
Ordinance No. 2009-277 and
Ordinance No. 2009-278
Re: Mildred Johnson Estates II Rental
Housing Project

Transmitted herewith for your approval is legislation relating to the Mildred Johnson Estates II (MJE II) affordable housing project being undertaken by PathStone, Corp. This legislation will:

1. Authorize the sale of 25 City-owned vacant lots to PathStone, Corp., or an affiliated partnership or housing fund development corporation to be formed by PathStone, for the project;
2. Authorize property tax exemptions and payment-in-lieu-of-taxes agreements for the project;
3. Appropriate a total of \$300,000 of HOME funds from the Improving the Housing Stock and General Property Conditions, Rental Housing allocation as follows:

2003-04	\$100,000
2008-09	4,000
2009-10	<u>196,000</u>
Total	\$300,000
4. Authorize a loan agreement not to exceed \$300,000 with PathStone, Corp., or an affiliated partnership or housing fund development corporation to be formed by PathStone, which will be funded from the appropriations requested herein; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project.

This project includes the construction of 20 single-family rental housing units and a community center on clustered sites in close proximity to Mildred Johnson Estates I homes, in the 14621 neighborhood in northeast Rochester. Mildred Johnson Estates I, completed in June 2008, consists of 23 single-family rental units. A property list for MJE II, and a map showing both phases of the Mildred Johnson Estates project are attached. The sites referenced on the map are contingent upon the

demolition of structures prior to the developer's required project closing date.

PathStone, Corp. has received Low Income Housing Tax Credits (LIHTC) and New York State Housing Trust Funds for the construction of this project. All units will be for families with 50% or less of median income. Five units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority. At the end of the 15-year compliance period, the single-family homes will be offered for sale to the tenants.

Of the 20 units in the project, 17 will be three-bedroom colonial style; and three will be three-bedroom handicapped accessible ranch style homes. All units will be visitable. The community center will be a single-story accessible structure that will provide meeting space for tenants as well as an on-site property management office. PathStone Corp. has prepared a preliminary neighborhood plan and is partnering with the Alphonse Bernard Block Club and Group 14621 Community Association to further define goals for the neighborhood.

Project Budget

Costs:	
Property acquisition	\$ 10,600
Soft costs and syndication	501,625
Construction	4,283,268
Construction contingency	190,178
Developer fee	600,122
Reserves	65,431
Working capital	<u>29,000</u>
Total	\$5,680,224
Sources:	
City HOME Program	\$ 300,000
LIHTC Equity	3,003,000
TCAP	1,997,187
Federal Home Loan Bank	200,000
Developer's Fee	<u>180,037</u>
Total	\$5,680,224

The City funds will be used to partially fund the 20 homes via a 30-year permanent loan with interest at the Applicable Federal Rate (AFR) and annual interest payments of 1%. The proposed in-lieu of tax agreement would provide a 30-year exemption in consideration for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-97

Ordinance No. 2009-276
(Int. No. 303)

Authorizing The Sale Of Real Estate For The Mildred Johnson Estates II Affordable Housing Project

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to PathStone Corp., or an affiliated partnership or housing development fund company formed for the purpose of developing the project, for the following amounts, for the construction of housing as a part of the Mildred Johnson Estates II Affordable Housing Project:

<u>Parcel Address</u> <u>SBL#</u>	<u>Price</u>	<u>Dimensions</u>
37 Alphonse Street 106.32-2-43	\$500	51'x145'
43 Alphonse Street 106.32-2-44	\$475	48'x145'
55 Alphonse Street 106.32-2-46.1	\$500	50'x145'
108 Alphonse Street 106.32-2-11.2	\$500	52'x145'
154 Alphonse Street 106.33-1-8	\$450	40'x137'
166 Alphonse Street 106.33-1-10	\$475	49'x137'
728-730 Clifford Avenue 106.32-2-31.1	\$600	93'x145'
732 Clifford Avenue 106.32-2-30	\$500	49'x145'
756-760 Clifford Avenue 106.32-2-25	\$425	48'x100'
45 Maria Street 106.32-1-55.1	\$550	66'x139'
54 Maria Street 106.32-1-37	\$500	46'x146'
89 Maria Street 106.23-3-53.1	\$550	72'x139'
91 Maria Street 106.23-3-52	\$425	35'x139'
88 Thomas Street 106.32-2-36	\$500	48'x149'
91 Thomas Street 106.32-1-19	\$475	46'x146'
92 Thomas Street 106.32-2-37	\$500	48'x149'
94 Thomas Street 106.32-2-38.1	\$550	97'x100'
95 Thomas Street 106.32-1-17.1	\$525	61'x146'
119 Thomas Street 106.24-2-65.1	\$450	58'x101'
133 Thomas Street 106.24-2-58.1	\$600	69'x159'
137 Wilkins Street 106.23-3-29.1	\$600	80'x137'
138 Wilkins Street 106.23-3-23.1	\$525	80'x102'
164 Wilkins Street 106.24-1-91.1	\$500	70'x102'
187 Wilkins Street 106.24-2-5.1	\$525	80'x102'
260 Wilkins Street 106.24-1-73.1	\$500	70'x102'

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

properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-277
(Int. No. 304)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates II Affordable 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 following properties, to be owned by PathStone Corp., or an affiliated partnership or housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Mildred Johnson Estates II Affordable Housing Project:

<u>Parcel Address</u>	<u>SBL#</u>
37 Alphonse Street	106.32-2-43
43 Alphonse Street	106.32-2-44
55 Alphonse Street	106.32-2-46.1
108 Alphonse Street	106.32-2-11.2
154 Alphonse Street	106.33-1-8
166 Alphonse Street	106.33-1-10
728-730 Clifford Avenue	106.32-2-31.1
732 Clifford Avenue	106.32-2-30
756-760 Clifford Avenue	106.32-2-25
45 Maria Street	106.32-1-55.1
54 Maria Street	106.32-1-37
89 Maria Street	106.23-3-53.1
91 Maria Street	106.23-3-52
88 Thomas Street	106.32-2-36
91 Thomas Street	106.32-1-19
92 Thomas Street	106.32-2-37
94 Thomas Street	106.32-2-38.1
95 Thomas Street	106.32-1-17.1
119 Thomas Street	106.24-2-65.1
133 Thomas Street	106.24-2-58.1
137 Wilkins Street	106.23-3-29.1
138 Wilkins Street	106.23-3-23.1
164 Wilkins Street	106.24-1-91.1
187 Wilkins Street	106.24-2-5.1
260 Wilkins Street	106.24-1-73.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with PathStone Corp., or an affiliated partnership or housing development fund company formed for the purpose of developing the 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. 2009-278
(Int. No. 305)

Approving A Loan Agreement For The Mildred Johnson Estates II Affordable Housing Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with PathStone Corp., or an affiliated partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mildred Johnson Estates II Affordable Housing Project. The funding shall initially be provided as an interest-free construction loan. Upon completion of construction, the loan may be converted to a 30-year loan with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$300,000, and of said amount, or so much thereof as may be necessary, \$100,000 is hereby appropriated from 2003-04 HOME Program Funds, \$4,000 is hereby appropriated from 2008-09 HOME Program Funds and \$196,000 is hereby appropriated from 2009-10 HOME Program Funds.

Section 3. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Mildred Johnson Estates II Affordable Housing Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-279
Re: Focused Investment Strategy Exterior
And Security Rehabilitation Program
For Landlords

Transmitted herewith for your approval is legisla-

tion related to the Exterior and Security Rehabilitation Program for Landlords, which is a component of the City's Focused Investment Strategy. This legislation will:

1. Appropriate \$977,650 from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Block Grant under the Neighborhood and Asset-Based Planning category; and
2. Establish \$77,650 maximum compensation for an agreement with Neighborworks Rochester, Inc. to provide services for the program (described below). The cost of the agreement will be funded from the appropriation requested herein.

The Exterior and Security Rehabilitation Program for Landlords (ESRPL) is similar to the owner-occupant program (authorized by Ordinance No. 2009-110) in that activities eligible for funding are the same. However, the construction management for the Landlords program will be coordinated by the City.

ESRPL funds will be used to improve the exteriors and/or enhance the security of privately-owned one- to four-unit residential rental properties. Design standards have been established that will result in enhanced neighborhood appeal. Exterior repairs may include: roof repair and/or replacement, siding or paint for the house and garage, gutters, windows, exterior entry doors, front porch repair or replacement, driveways, sidewalks outside of the right-of-way, landscaping (foundation plantings only), demolition of garages or small exterior structures, or other enhancements as appropriate. Security repairs may include: entry door locks and dead bolts, back yard fencing, internal security alarm systems (monitoring services to be paid by homeowner), glass block windows in basements, and exterior lighting at entry ways and garages, if electric is already available.

A total of \$900,000 will provide deferred loans to a minimum of 50 eligible properties at a level not to exceed \$18,000 per property. Landlords will be required to provide a 10% funding match and documentation that tenant income does not exceed 80% of the area median income (AMI). Vacant properties are eligible for loans. The City loans will be forgiven after five years on condition that the landlord continues to rent to tenants earning incomes at or below 80% AMI, and maintains affordable rents (per rent schedule). A minimum of \$225,000 will be allocated to address 12 -15 properties in each FIS area.

To facilitate the tenant income documentation requirement, landlords will be allowed to use a portion of their match, not to exceed \$500, as an incentive to tenants to cooperate. Incentives may be items such as gift cards, flower planters, porch furniture, etc., but must be approved by the City.

Administration of the program is modeled on the City's Lead Hazard Control Program. The City

will approve applications, coordinate the contractor bidding process, provide construction management, perform property inspections, and manage the payment process. Each unit enrolled in the ESRPL will automatically receive a lead-based paint risk assessment. If lead hazards are found, the property owner will be enrolled in the City's LHC Program for remediation. After the property has been made lead-safe, the owner will then be eligible for the ESRPL.

A request for proposals was issued on May 30, 2009; 20 local housing agencies and neighborhood associations were notified, and the RFP was posted on the City's Web site and in the *Democrat & Chronicle* newspaper. An informational meeting was held at City Hall and was attended by: Greater Rochester Housing Partnership, NEAD, The Housing Council, NCS Community Development Corporation, Southwest Planning Committee, ISLA Housing and Development Corporation, and Neighborworks Rochester.

Proposals were received from The Housing Council and Neighborworks Rochester. Based on staff review, Neighborworks Rochester was selected.

Neighborworks will act as the primary point of contact for landlords, and will be responsible for: distributing and receiving applications; meeting with prospective applicants; providing technical assistance; hosting workshops; collecting all required forms and documents; and submitting completed case files to the City.

The program will be marketed in each FIS area according to plans determined by their respective community stakeholders.

The program is expected to begin in September 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-279
(Int. No. 319)

Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$977,650, or so much thereof as may be necessary, to fund the Focused Investment Strategy Exterior and Security Rehabilitation Program for Landlords.

Section 2. The Mayor is hereby authorized to enter into an agreement with Neighborworks Rochester, Inc. to provide services for the Focused Investment Strategy Exterior and Security Reha-

bilitation Program for Landlords.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$77,650, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1.

Section 4. The Mayor or his designee is hereby further authorized to enter into such additional agreements as may be necessary to implement the 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. 2009-280

Re: American Recovery and Reinvestment Act of 2009 - Homelessness Prevention And Rapid-Re-Housing Implementation

Transmitted herewith for your approval is legislation relating to the Homelessness Prevention and Rapid Re-Housing Program (hereinafter HPRP) under the American Recovery and Reinvestment Act of 2009. This legislation will authorize agreements and appropriate HPRP funds as follows:

1. Appropriate HPRP funds in the amount of \$3,854,235. These funds are provided by the American Recovery and Reinvestment Act of 2009;
2. Authorize an agreement with Monroe County for the joint administration of HPRP;
3. Authorize a three-party agreement with the County and Coordinated Care Services, Inc. (CCSI) for CCSI to serve as lead agency for administration of the program for up to three years. The City share of compensation for this agreement, \$3,698,399, will be funded from the appropriation requested herein. The County share will be \$773,514 for total compensation to CCSI of \$4,471,913;
4. Authorize agreements for the 2009-10 operating year with nine providers of homelessness prevention services (listed below) totaling \$76,752 of the appropriation requested herein.

The most recent ordinance relating to this program was Ordinance 2009-149, passed by City Council on May 12, 2009. That legislation amended the 2008-09 Consolidated Community Development Plan, authorized the submission of the substantial amendment to HUD, and authorized the Mayor to enter into agreements for the receipt of these funds.

In the spring of 2009, HUD announced HPRP funds in the amounts of \$3,954,235 for the City and \$789,300 for the County. Of this amount, \$79,084 (2% of the City's total) will be reserved for City administrative costs.

The City and County and several community partners, including the Continuum of Care, the United Way, and the Rapid Re-Housing Committee, have worked together to plan program implementation and have developed a model for service delivery. The model identifies eligible activities and categories of providers for those activities. In the model, a lead agency provides for: a. key administrative functions; b. outreach to providers and potential clients; and c. coordinating access/linkage of current service providers and their clients with case managers, specialists in housing location and legal services.

CCSI is a non-profit management services organization based in Rochester at 1099 Jay Street, Building J.

Using criteria outlined in the model, the City and County issued a joint Request for Proposal for implementation of the three-year program. The proposal submitted by Coordinated Care Services, Inc.(CCSI) for up to \$4,471,913 meets the requirements for the following key program elements: collaboration/coordination, service oversight, education/training of direct service staff, capacity for administrative and fiduciary responsibilities, outreach to homeless and at-risk populations, case management including tracking of a client and services delivered, coordination with housing services that link clients with permanent housing opportunities, coordination with legal service providers to resolve impediments such as documentation delays and eviction prevention.

2009-10 agency agreements - This legislation also proposes that nine agreements for homelessness prevention will be directly funded by the City during the 2009-10 program year. This will fund assistance and services that focus on homelessness prevention including financial assistance for those in danger of eviction. The organizations already have experience in the services that are HPRP eligible. The organizations and amounts are:

<u>Organization</u>	<u>Proposed Allocation</u>
Baden Street Settlement of Rochester, Inc.	\$ 9,500
Catholic Charities	6,600
Catholic Family Center/Emergency Services	11,940
Community Place of Greater Rochester/PHANS	11,270
Dimitri House	4,000
Grace Urban Ministries	13,880
Hillside Children's Center	1,542
Volunteers of America	7,190
Wilson Commencement Park	<u>10,830</u>
	\$76,752

This legislation supports the Housing Policy goal

to Promote Housing Choice.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-280
(Int. No. 320)

Appropriating Funds And Authorizing Agreements For The Homelessness Prevention And Rapid Re-Housing Program

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

Section 1. The sum of \$3,854,235, or so much thereof as may be necessary, is hereby appropriated from Homelessness Prevention and Rapid Re-Housing Program Funds to fund the Homelessness Prevention and Rapid Re-Housing Program, which amount includes the sum of \$79,084 for administration.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for the joint administration of elements of the Homelessness Prevention and Rapid Re-Housing Program.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe and Coordinated Care Services, Inc. for the services of a lead agency to administer projects under the Homelessness Prevention and Rapid Re-Housing Program.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$3,698,399, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1.

Section 5. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Homelessness Prevention and Rapid Re-Housing Program:

<u>Organization</u>	<u>Amount</u>
Baden Street Settlement of Rochester, Inc.	\$ 9,500
Catholic Charities	6,600
Catholic Family Center/Emergency Services	11,940
Community Place of Greater Rochester/PHANS	11,270
Dimitri House	4,000
Grace Urban Ministries	13,880
Hillside Children's Center	1,542
Volunteers of America	7,190
Wilson Commencement Park	10,830

Section 6. The agreements shall obligate the City to pay an amount not to exceed \$76,752, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made

in Section 1.

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

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2009-281
Re: Official Map Amendment - Rezoning
Properties in the 600 Block of Jefferson Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning seven properties at 654-658, 663-687, 666, 672, 676, 691-693 and the front portion of 640 Jefferson Avenue from R-1 Low Density Residential to C-1 Neighborhood Center District.

In 2008, a collaborative process was undertaken in response to the community's desire to revitalize the Jefferson Avenue commercial district. The process has since expanded to include a comprehensive plan for the revitalization of the entire Jefferson Avenue corridor. The Jefferson Avenue Revitalization Plan, *A Bridge Between Hope & Action*, was issued in March 2009. A copy of the report is on file with the City Clerk.

The rezoning request, one of the report's recommendations, is designed to connect existing C-1 districts to the north and south of the subject area. Providing a continuous, consistently-zoned area along the corridor is designed to facilitate economic development and neighborhood stabilization. The overall goal is to attract uses to the corridor that provide essential neighborhood services, and which use or re-use underutilized land and buildings.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on July 6, 2009. There were no speakers in support or in opposition to the proposed rezoning. By a vote of 5-0-1, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-98

Ordinance No. 2009-281
(Int. No. 306)

Changing The Zoning Classification Of Part Of 640 Jefferson Avenue And 654-658, 663-687, 666, 672, 676 And 691-693 Jefferson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting part of 640 Jefferson Avenue and 654-658, 663-687, 666, 672, 676 and 691-693 Jefferson Avenue, from R-1 Low Density Residential to C-1 Neighborhood Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 12, 4000 Acre Tract, and being more particularly bounded and described as follows: Beginning at a point in the centerline of Jefferson Avenue (60' ROW) 130.0 feet south of the centerline of Bartlett Street (60' ROW), said point being the Point or Place of Beginning; thence

- 1) Easterly, along the extension and north line of Lot 11 of S. & H. Rosenblatts Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 44, a distance of 137.0 feet to a point; thence
- 2) Southerly, parallel with said Jefferson Avenue, a distance of 218.5 feet, more or less, to the north line of Lot 15 of said Rosenblatts Subdivision; thence
- 3) Westerly, along said north line of Lot 15, a distance of 7.0 feet to a point; thence
- 4) Southerly, parallel with said Jefferson Avenue, a distance of 69.5 feet, more or less, to the centerline of Columbia Avenue (60' ROW); thence
- 5) Westerly, along said centerline of Columbia Avenue, a distance of 20.0 feet to a point; thence
- 6) Southerly, parallel with said Jefferson Avenue, a distance of 135.0 feet to the south line of Lot 45 of the John T Briggs Resubdivision, as filed in the Monroe County Clerk's Office in Liber 10 of Maps, Page 55; thence
- 7) Easterly, along the south line of Lots 45 & 43 of said Briggs Resubdivision, a distance of 35.0 feet to a point; thence
- 8) Southerly, parallel with said Jefferson Avenue, a distance of 10.0 feet to a point; thence

- 9) Easterly, parallel with said Columbia Avenue, a distance of 8.42 feet to the northwest corner of Lot 42 of said Briggs Resubdivision; thence
- 10) Southerly, along the west line of said Lot 42, a distance of 13.94 feet to a point; thence
- 11) Westerly, parallel with Hawley Street (50' ROW) and 100.0 feet distant therefrom, a distance of 153.5 feet, more or less, to the said centerline of Jefferson Avenue; thence
- 12) Southerly, along said centerline, a distance of 125.0 feet, more or less, to the centerline of said Hawley Street; thence
- 13) Westerly, along said centerline of Hawley Street, a distance of 150.0 feet, more or less, to the extension of the west line of Lot 6 of the Jefferson Avenue Lot Association Resubdivision, as filed in the Monroe County Clerk's Office in Liber 6 of Maps, Page 14; thence
- 14) Northerly, along said extension and the west line of Lots 6 & 5, a distance of 100.55 feet, more or less, to the northwest corner of said Lot 5; thence
- 15) Easterly, along the north line of said Lot 5, a distance of 12.0 feet to a point; thence
- 16) Northerly, parallel with said Jefferson Avenue, a distance of 37.77 feet to the north line of Lot 4 of said Resubdivision; thence
- 17) Westerly, along said north line of Lot 4, a distance of 16.5 feet to a point; thence
- 18) Northerly, parallel with said Jefferson Avenue, a distance of 143.3 feet, more or less, to the said centerline of Columbia Avenue; thence
- 19) Easterly, along said centerline, a distance of 154.5 feet, more or less, to the said centerline of Jefferson Avenue; thence
- 20) Northerly, along said centerline of Jefferson Avenue, a distance of 289 feet, more or less, 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. 318
Re: Official Map Amendment -
School Alley

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the

abandonment of a portion of School Alley from Broad Street to the southern end, approximately 2,654 square feet.

The abandonment will help to facilitate the County of Monroe Crime Lab Project located at the southeast corner of Broad Street and South Plymouth Avenue. The abandonment was referred to the necessary agencies for comment. There are no utilities on the site. There is no record with the City of any fee title to this portion of land; the right-of-way ownership will revert to the County upon abandonment.

The City Planning Commission, in its July 6, 2009 meeting, recommended approval of this abandonment by a vote of 6-0-0, subject to conditions outlined by the City Engineer. The recommendation and minutes of that meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 318

AMENDING THE OFFICIAL MAP BY ABANDONMENT OF A PORTION OF SCHOOL ALLEY FROM BROAD STREET TO ITS SOUTH END

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

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

ALL THOSE TRACTS OR PARCELS OF LAND situate in the Hundred Acre Tract, City of Rochester, County of Monroe, State of New York, more particularly described as follows:

Beginning at the intersection of the south street line of West Broad Street and the west street line of School Alley, said point being N 83° 43' 43" E a distance of 107.47 feet from South Plymouth Avenue as measured along the south street line of West Broad Street; thence

1. N 83° 43' 43" E, along the south street line of West Broad Street a distance of 10.35 feet to an angle point; thence
2. N 80° 44' 20" E, along the south street line of West Broad Street a distance of 4.89 feet to its intersection with the east street

line of School Alley; thence

3. S 17° 24' 14" E, along the east street line of School Alley a distance of 175.72 feet to a point on the north line of lands owned by the County of Monroe; thence
4. S 72° 41' 06" W, along the north line of said County of Monroe lands a distance of 15.00 feet to its intersection with the west street line of School Alley; thence
5. N 17° 24' 14" W, along said west street line of School Alley, a distance of 178.39 feet to the point or place of beginning, being 2654.52 sq. ft. or 0.061 acre more or less.

All as shown on a map prepared by Larsen Engineers, dated 9/24/08 entitled "ABANDONMENT MAP, SCHOOL ALLEY TO MONROE COUNTY", and designated Map No. 1.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of July 6, 2009.

Section 3. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Lightfoot
August 11, 2009

To the Council:

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

Int. No. 307 - Establishing Maximum Compensation For A Professional Services Agreement For The 2009 Milling And Resurfacing Program

Int. No. 308 - Authorizing An Agreement And Amending The 2009-10 Budget With Respect To A City Hall Grant

Int. No. 309 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,148,000 Bonds Of Said City To Finance The Cost Of The Reconstruction Of The Genesee Crossroads Parking Garage Within The City

Int. No. 322 - Authorizing A Grant Application And Agreement For The Port Of Rochester Public Marina Project

Respectfully submitted,
John F. Lightfoot
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-282
Re: Agreement - Lu Engineers,
Asphalt Milling and
Resurfacing (ARRA)

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with Lu Engineers, 39 State Street, Rochester, for resident project representation (RPR) services for the milling and resurfacing of various City streets. The cost of the agreement will be financed from funding received through the Federal American Recovery and Reinvestment Act (2009) and appropriated through Ordinance 2009-73.

The project involves milling and resurfacing and micro-paving various City streets. Work will include: repairing the existing pavement base; adjustments of water valve and sewer castings; resetting or installing new curb; spot sidewalk replacement; and the installation of painted pavement markings.

As a stimulus-funded project administered by the New York State Department of Transportation, it is required that a consultant be selected from the State's Local Design Services Agreement (LDSA) list. The NYSDOT recently solicited qualifications from fifteen consultants on their LDSA for RPR services on Stimulus Aid projects. These qualifications were used by City Engineering staff to select a consultant. Lu Engineers was selected based on their capabilities and availability of staff.

Resident project representation services will begin with project construction. It is anticipated that construction will commence in late summer 2009, with completion in spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-282
(Int. No. 307)

Establishing Maximum Compensation For A Professional Services Agreement For The 2009 Milling And Resurfacing 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 established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for resident project representation services for the 2009 Milling and Resurfacing Program. 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 American Recovery and Reinvestment Act Funds

appropriated in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-283
Re: Agreement - New York State Office
Of Parks, Recreation and Historic
Preservation, Environmental
Protection Fund Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Parks, Recreation & Historic Preservation for the receipt and use of an award of Environmental Protection Fund - Historic Preservation funds in the amount of \$350,000, and amending the 2009-10 Cash Capital allocation to reflect the award.

These funds will be used to support the tower portion of the City Hall Brownstone Restoration project. Funds committed will reimburse the City for pre-development, construction, and staff administration costs. The City's required match of 50% is well-exceeded by the costs for the tower stone repointing and replacement, which is \$2,110,800.

The project must be completed in sufficient time for the City to complete all reporting requirements and submit all vouchers for reimbursement by present grant deadlines of 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-283
(Int. No. 308)

Authorizing An Agreement And Amending The 2009-10 Budget With Respect To A City Hall Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding for the City Hall Brownstone Restoration Project.

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

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$350,000, which amount

is hereby appropriated from funds to be received under the grant agreement authorized herein.

Robert J. Duffy
Mayor

Section 4. This ordinance shall take effect immediately.

Ordinance No. 2009-284
(Int. No. 309)

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-284
Re: Genesee Crossroads Parking Garage
Structural Repairs Project

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,148,000 Bonds Of Said City To Finance The Cost Of The Reconstruction Of The Genesee Crossroads Parking Garage Within The City

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

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$4,148,000, and the appropriation of the proceeds thereof to finance the costs of structural repairs to the Genesee Crossroads Parking Garage.

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 Genesee Crossroads Parking Garage, a Class "A" building within the City, including but not limited to repairs to concrete structural elements on garage levels A through C, including decks, beams, columns and walls (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$4,148,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,148,000 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.

The garage, built in 1969, provides parking for area businesses as well as primary parking for the Rochester Plaza Hotel and Conference Center. Deteriorating concrete decks, columns and beams due to the age of the structure necessitate a comprehensive restoration of the 383,700 square-foot garage.

Section 2. Bonds of the City in the principal amount of \$4,148,000 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.

The project will repair concrete structural elements on garage levels A through C, including deck surfaces, beams, columns and walls. The level of repair varies by area, but may include full depth deck removal and replacement as well as column removal and reconstruction. Repairs to cracks and joints with epoxy injections will serve as structural strengthening and waterproofing measures, respectively. New lighting will also be installed.

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 \$4,148,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Design of the improvements was completed by Herrick-Saylor Engineers, P.C., authorized in August 2008 (Ord. No 2008-301) to evaluate prior structural reviews of the garage, and to recommend and design a comprehensive repair of the structure. Construction estimates provided by the consultant totaled \$3,627,413, with efficient lighting replacement estimated at \$62,226.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12(a)(1) of the Law, is twenty-five (25) years.

Bids for construction of the project were received on July 9, 2009. The work will be performed by the following firms:

<u>Firm</u>	<u>Cost</u>
Crane-Hogan Structural Systems, Inc.	\$3,268,745
Hilliano Construction & Electrical Co.	248,000
Leclaire Fleming Mechanical Contractors, Inc.	79,079
John W. Danforth Co.	<u>169,000</u>
Total	<u>\$3,764,824</u>

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

The project will include \$383,176 (10%) allocated for contingencies, financed from the proposed bond issue. Construction will commence in fall 2009, with completion planned for summer 2010.

Respectfully submitted,

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-285
Re: Port of Rochester Boating
Infrastructure Grant (BIG)
Application - US Department of
Interior, Wildlife and Sport Fish
Restoration Program, FY 2010

Transmitted herewith for your approval is legislation which will authorize a grant application to New York State for federal funding to partially finance construction of the proposed Port of Rochester Public Marina project. The total Phase 1 marina project cost is estimated to be \$15.9 million, of which approximately \$3.5 million is eligible for reimbursement through the Boating Infrastructure Grant (BIG) program, provided through the Sportfishing and Boating Safety Act of 1998 (Public Law 105-178). The BIG Program requires a 25% local match.

The U.S. Department of the Interior anticipates awarding approximately \$10 million in BIG Tier II funding for FY 2010. BIG provides funding to construct, renovate and maintain either publicly or privately owned infrastructure for transient (occupancy for ten days or less), non-trailerable recreational vessels 26' in length or longer. Facilities constructed with BIG funding must provide public access. Applications to the U.S. Fish and Wildlife Service Regional Wildlife and Sport Fish Restoration Program Office are due by September 25, 2009, but must first be submitted to New York State in late August. It is expected that awards will be announced in February 2010.

The Port Marina project, a component of the Port of Rochester Public Marina and Mixed Use Development Plan, is provided for in the Local Waterfront Revitalization Program amendment recently submitted to New York State Department of State for approval, as authorized by Council on July 14, 2009. The Port Marina project feasibility study was completed in December 2008. Preliminary design and permitting are currently underway and were authorized by Ordinance No. 2009-15. Permit applications for construction of the marina and work in the Genesee River are being submitted to the U.S. Army Corps of Engineers and the NYS Department of Environmental Conservation. Construction of the first phase of the marina project is contingent upon completion of the State Environmental Quality Review (SEQR), obtaining federal and state permits, and completion of final plans and design.

It is anticipated that the proposed marina at full build-out will contain approximately 118 slips, approximately 50% transient and 50% seasonal. Potentially eligible activities must support, serve and provide public access to transient facilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-285
(Int. No. 322)

Authorizing A Grant Application And

Agreement For The Port Of Rochester Public Marina Project

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding for the Port of Rochester Public Marina Project under the Boating Infrastructure Grant Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
August 11, 2009

To the Council:

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

Int. No. 310 - Resolution In Support Of Environment And Climate Protection Actions

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-14
Re: Climate Protection Resolution

Transmitted herewith for your approval is legislation endorsing a resolution in support of climate protection activities undertaken by the City. This resolution recognizes the several established and ongoing commitments the City has made to environmental sustainability, including the following:

- Signatory to the original Mayors Climate Protection Agreement, since endorsed by the US Conference of Mayors;
- Mayor's Green Team and endorsement of the City's Environmental Mission Statement;
- Incorporation of renewable energy sources for municipal electricity (currently 25% overall);
- Purchase of high fuel efficiency and alterna-

tive fuel vehicles;

- Incorporation of US Green Building Council standards in all City projects wherever appropriate; and
- Participation in the New York State Department of Environmental Conservation Smart Communities Program.

A Climate Protection Resolution will also support the ongoing and future activities of the City, which include:

- Developing and implementing policies for City operations and practices that reduce carbon emissions;
- Facilitating grant applications that require Council endorsement;
- Implementing various plans as anticipated and required by State and Federal regulations; and
- Promoting economic development through the creation of jobs related to climate protection activities, and through the positioning of the City as a livable, green city.

Upon passage of this resolution, the Administration will be prepared to provide periodic reports to Council and the public regarding the City's climate protection goals and progress toward meeting those goals.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-14
(Int. No. 310)

Resolution In Support Of Environment And Climate Protection Actions

WHEREAS, the City of Rochester recognizes the threat posed by global warming to the health, safety and welfare of the residents and businesses of Rochester and the need to reduce energy costs and dependence on foreign and unsustainable energy sources; and

WHEREAS, the City of Rochester is required to attain environmental compliance with state and federal regulations and strives to reduce pollution on its own properties and on privately owned property within the City; and

WHEREAS, the City of Rochester's Comprehensive Plan includes environmental stewardship as an important element to protect and improve the overall quality of our environmental assets and resources (air, land and water quality), our community's three great waterways (Lake Ontario, the Genesee River and the Erie Canal), our unique and historic parks system, our open space areas and urban forest and our clean neighborhood environments; and

WHEREAS, the City of Rochester recognizes that sustainable environmental practices are critical to the economic development future and long-term financial stability of Rochester and that it has a responsibility to the Rochester community to be an environmental steward and leader in promoting green practices to reduce energy use and costs to the City; and

WHEREAS, local government actions to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits including reduced energy cost, green space preservation and brownfield redevelopment, air and water quality improvements, reduced traffic congestion, economic development, energy conservation and job creation through new energy technologies; and

WHEREAS, the New York State Department of Environmental Conservation has encouraged municipalities to join its Climate Smart Communities Program by pledging to voluntarily undertake climate protection actions; and

WHEREAS, the U.S. Conference of Mayors has adopted a strong policy resolution calling upon cities, communities and the federal government to take action to reduce global warming; and

WHEREAS, Rochester is one of over 850 cities that have signed the U.S. Mayors Climate Protection Agreement which commits cities to:

- strive to reduce global warming pollution in their own communities, through actions such as conducting a greenhouse gas inventory, adopting anti-sprawl land-use policies, increased use of alternative energy sources, increasing the fuel efficiency of municipal fleet vehicles, urban forest restoration projects and public education campaigns;
- urge their state governments, and the federal government, to enact policies and programs to meet or beat the greenhouse gas emission reduction target suggested for the United States in the Kyoto Protocol -- 7% reduction from 1990 levels by 2012; and
- urge the U.S. Congress to pass the bipartisan greenhouse gas reduction legislation, which would establish a national emission trading system; and

WHEREAS, the Mayor has established an inter-departmental Green Team and has endorsed the City of Rochester Environmental Mission Statement which expresses the City of Rochester's commitment to outstanding environmental stewardship through practice and policy; and

WHEREAS, the City of Rochester has a unique opportunity to provide leadership for the greater Rochester community to advance environmental sustainability while promoting social equity and encouraging a vibrant economy;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that the City

is committed to the long-range goal of reducing its greenhouse gas emissions as follows:

Section 1. In the course of performing its municipal responsibilities and providing municipal services, the City of Rochester will pursue the reduction of greenhouse gas emissions from City operations and practices in the following areas:

- Purchasing of goods and services
- Energy use
- Building design and construction
- Land use
- Street and public space design and construction
- Source reduction and recycling
- Air and water quality and conservation
- Transportation

Section 2. The Mayor shall develop specific policies and practices for the areas listed above that will include the preparation of a greenhouse gas inventory and greenhouse gas reduction target, development and implementation of a local Climate Action Plan as well as measures to monitor and verify results.

Section 3. A comprehensive program of training and education of City employees and a public outreach program shall be undertaken to ensure that the policies and practices are understood, accepted and implemented both within City government and by the community.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden
August 11, 2009

To the Council:

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

Int. No. 311 - Authorizing Agreements With The County Of Monroe For Funding For Police Programs

Int. No. 312 - Authorizing A Grant Agreement With The New York State Crime Victims Board

Int. No. 313 - Authorizing An Agreement For The STAR Program

Int. No. 314 - Establishing Maximum Compensation For A Professional Services Agreement For Counseling And Stress Management Services

Int. No. 316 - Establishing Maximum Compensation For A Professional Services Agreement For A Safety Study Of The Outdoor Firing Range

Int. No. 317 - Approving Applications, Agreements And The 2009 Administrative And Program Budgets Of The Rochester-Monroe County Youth

Bureau

Ordinance No. 2009-286
(Int. No. 311)

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMIT-
TEE

**Authorizing Agreements With The County
Of Monroe For Funding For Police Programs**

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

Received, filed and published.

Section 1. The Mayor is hereby authorized to
enter into agreements with the County of Monroe
for reimbursement for the Downtown Public Safety
and Firearms Instruction Programs through June
30, 2010.

TO THE COUNCIL
Ladies and Gentlemen:

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

Ordinance No. 2009-286
Re: Agreements - Monroe County,
Police Programs

Section 3. This ordinance shall take effect im-
mediately.

Transmitted herewith for your approval is legisla-
tion authorizing agreements with Monroe County
for the receipt and use of funds related to two Po-
lice Department programs as described below. The
agreements were authorized by the Monroe County
Legislature in June 2009.

Passed unanimously.

2009-10 Firearms Instruction

TO THE COUNCIL
Ladies and Gentlemen:

The County provides reimbursement for a portion
of the salary and benefits of firearms instructors to
train officers in Monroe County police agencies.
The amount for 2009-10 is \$83,513. Instruction is
provided by RPD officers assigned to provide
shooting range training. No budget amendment is
needed; the positions were included in the 2008-09
and 2009-10 Budgets of the Police Department.
The calendar year 2008 agreement, for \$55,675,
was authorized under Ord. No. 2008-230 in June
2008.

Ordinance No. 2009-287
Re: Agreement - New York State,
Crime Victims Board

2009-10 Downtown Public Safety

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the New York
State Crime Victims Board for a three-year award
of \$800,142 for the period of October 1, 2009 to
September 30, 2012. The annual disbursements
will be as follows:

The County provides funding to support public
safety services provided by the City to benefit all
the residents of the County including, but not lim-
ited to, those residents commuting into the City on
a regular basis to their place of employment. The
amount for 2009-10 is \$450,000. The County fund-
ing does not fully reimburse these services, but is
provided in recognition of the public safety burden
for which the City has the major responsibility.
The calendar year 2008 agreement, for \$300,000,
was authorized by City Council under Ord. No.
2008-230 in June, 2008. No budget amendment is
needed.

October 1, 2009 - September 30, 2010	\$258,087
October 1, 2010 - September 30, 2011	\$266,613
October 1, 2011 - September 30, 2012	\$275,442

Each of these amounts represents funding for an
18-month period - January 1, 2009 through June
30, 2010 - to bring the appropriations in line with
the City's fiscal year. Previously the appropria-
tions were on a calendar year basis. On an annual-
ized basis, the amounts authorized for each pro-
gram are unchanged from previous years.

The previous Crime Victims Board grant was
approved on August 23, 2006 under City Council
Ordinance No. 2006-243. A 25% match is re-
quired for this grant and is included in the 2009-10
Budget.

This grant is used primarily to support salary ex-
penses for counseling positions in the Family and
Victims Services Section of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-287
(Int. No. 312)

**Authorizing A Grant Agreement With The
New York State Crime Victims Board**

BE IT 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
Crime Victims Board for funding for the Family
and Victim Services Section of the Rochester Po-

lice Department.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-288
Re: Agreement - Boys & Girls Clubs,
STAR Program

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with Boys & Girls Clubs of Rochester for the Sisters Together Achieving Results (STAR) program and appropriating this amount to finance the agreement from the General Community Needs allocation of the 2009-10 Community Development Block Grant.

The STAR program is considered a program with matching funds and is eligible for up to five years of funding under the Youth Services funding guidelines approved by City Council in June 1981. The program is in its fourth year of funding.

The STAR Program will provide young women in grades 9-12 with mentoring, employment and self-development workshops, tutoring, and community service projects. A project description and budget are attached.

The most recent agreement for these services was approved by Council on July 15, 2008 in Ord. No. 2008-281.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-99

Ordinance No. 2009-288
(Int. No. 313)

Authorizing An Agreement For The STAR 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 Boys & Girls Club of Rochester, Inc. for the Sisters Together Achieving Results (STAR) Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-289
Re: Agreement - Strong Employee
Assistance Program, Counseling
And Stress Management Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum annual compensation for an agreement with the University of Rochester Medical Center's Strong Employee Assistance Program for the provision of counseling and critical incident stress management services to Fire Department employees and their family members. The cost of the agreement will be funded from the 2009-10 and subsequent annual Budgets of the Fire Department.

A request for proposals was issued on June 24, 2009 and mailed to four local service providers including Strong EAP, Catholic Family Center, The Health Association-EAP, and Associates in Employee Assistance.

Strong EAP's proposal offers a comprehensive package of employee assistance services to address individual, family, and work-life needs. These services include confidential assessment and short-term treatment; consultation and training for supervisors and managers to identify and resolve job performance issues; and direct linkage to mental health and wellness resources on 24/7 crisis coverage by trained clinicians.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-289
(Int. No. 314)

Establishing Maximum Compensation For A Professional Services Agreement For Counseling And Stress Management Services

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Strong Employee Assistance Program, University of Rochester Medical Center, for counseling and stress management services for employees of the

Rochester Fire Department, for a term of two years, with two one-year renewal periods. Said amounts shall be funded from the 2009-10 and subsequent Budgets of the Rochester Fire Department, subject to approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-290
Re: Agreement - Barton & Loguidice,
P.C., Firing Range Safety Study

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum compensation for an agreement with Barton & Loguidice, P.C.(B&L), Rochester, in partnership with Metcalf Range Consulting, for a study of the Outdoor Firing Range located at the Fire/Police Training complex. The cost of this agreement will be funded from a year-end encumbrance of the 2008-09 Budget of the Police Department.

The study will identify safety deficiencies in the range - particularly its structure, equipment, maintenance program, and operating procedures - and will propose options for corrective actions to assure the safe operation. A primary concern is the containment of projectiles.

In 2000, the City improved the outdoor range, including the construction of earth berm enclosures on three sides and installation of a reclining rubberized bullet trap, to meet or exceed the technical specifications for police training ranges.

The range operated without incident until last year, when projectiles, presumed to originate from the range, were found in nearby public areas. With no obvious explanation for this, further investigation is warranted.

A Request for Proposals was sent to 26 firms. Four firms submitted proposals before the deadline. Proposals were opened and reviewed on July 27, 2009. Based on qualifications, ability to meet the schedule, and price, B&L is recommended.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-290
(Int. No. 316)

Establishing Maximum Compensation For A Professional Services Agreement For A Safety Study Of The Outdoor Firing Range

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

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for a professional services agreement between the City and Barton & Loguidice, P.C. for a safety study of the outdoor firing range. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-291
Re: Rochester-Monroe County Youth
Bureau 2009 Budgets

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

1. Authorize an agreement with the County of Monroe on behalf of the Rochester-Monroe County Youth Bureau, for the administration of the program and for partial financing of the programs;
2. Approve the City's shares of \$75,730 and \$114,822 to the annual administrative and program budgets of the Youth Bureau, respectively. Half of the administrative amount, \$37,865, and all of the program budget amount will be reimbursed to the City directly from the New York State Office of Children and Family Services;
3. Establish maximum compensation for agreements to implement the three City programs below (2008 figures are shown for comparison. Note: the DRYs allocation was included in the 2008-09 Budget):

<u>Program</u>	<u>2008</u> <u>Amount</u>	<u>2009</u> <u>Amount</u>	<u>Change</u>
1. SPCC - Family Violence Program	\$ 24,153	\$ 20,465	- \$ 3,688
2. Baden - Project B.A.S.E.	15,674	13,281	-2,393
3. Baden - Project Odyssey	6,600	5,592	-1,008
Direct allocation to DRYs	<u>89,085</u>	<u>75,484</u>	<u>-13,601</u>
Total	\$135,512	\$114,822	- \$20,690

Agreements with SPCC and Baden will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

4. Authorize subsequent amendments to these agreements that may be required by the New York State Office of Children and Family Services.

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

Due to delays in the State budget process, notification of the 2009 amounts was not received until late June.

Program descriptions for the City programs are attached. In 2008, these programs served 1025 youth (68% Black, 11% White, 17% Hispanic, 4% all other).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-100

Ordinance No. 2009-291
(Int. No. 317)

Approving Applications, Agreements And The 2009 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 2009 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2009 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2009 Comprehensive Youth Services Plan. The City's required contribution to the 2009 Youth Bureau Budget shall be financed equally from the 2008-09 and 2009-10 Budgets of the Department of Recreation and Youth Services.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Violence Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$20,465, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Base. Said agreement shall obligate the City to pay an amount not to exceed \$13,281, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 4. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Odyssey. Said agreement shall obligate the City to pay an amount not to exceed \$5,592, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 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.

The meeting was adjourned at 8:27 p.m.

DANIEL B. KARIN
City Clerk

**REGULAR MEETING
SEPTEMBER 8, 2009**

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Yaacov Horesh
 - *Eliud Rodriguez, Sr.
 - NBD
 - David Hershkowitz
 - *Dana P. Johnson
 - OMB
 - *Bernice Wade
- *Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of August 11, 2009 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 3984-09
Public Disclosure - CDBG Participation 3985-09
Public Disclosure - HOME Participation (4) 3986-09, 3987-09, 3988-09, 3989-09
Quarterly Report 3990-09
Workers Compensation Claims
General Liability Claims

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Local Law Approving The Persons With Disabilities And Limited Incomes Tax Exemption Int. No. 328 No speakers.

Amending The Official Map By Renaming The Linden And Meigs Playground At 890 Meigs Street As The Ellwanger And Barry Park Int. No. 336 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street Int. No. 338 No speakers

Approving Changes In The Pavement Width Of Carter Street To Install A Right Turn Lane At The Route 104 Frontage Road Int. No. 339 No speakers.

Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project Int. No. 366 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 8, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 323 - Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 324 - Establishing Maximum Compensation For An Agreement For A Film Festival

Int. No. 325 - Establishing Maximum Compensation For An Agreement For A Community Theatre Festival

Int. No. 326 - Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

Int. No. 327 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Rhinos Stadium Project

Int. No. 353 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 361 - Authorizing The Bulk Sale Of Delinquent Tax Liens

Int. No. 367 - Authorizing Competitive Grant Applications

The following entitled legislation is being held in Committee:

Int. No. 328 - Local Law Approving The Persons With Disabilities And Limited Incomes Tax Exemption

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Lovely A. Warren
Glady's Santiago
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-292
Re: Agreement - RPO, Music Performances

Transmitted herewith for your approval is legislation establishing \$68,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, for music performances. The cost of the agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

The RPO will provide two full orchestra concerts and six ensemble concerts to be performed as part of a neighborhood concert series. The full orchestra concerts will be similar to those provided annually since 1987 under comparable agreements. The ensemble concerts will be similar to the 2009 series, which took place in neighborhoods throughout the city as part of the summer performing arts season.

This agreement is funded at \$7,000 less than 2008-09 due to overall budget reductions. Services have been reduced by eliminating the education component that had been provided to the City School District.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-292
(Int. No. 323)

Establishing Maximum Compensation For

An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Ordinance No. 2009-293
(Int. No. 324)

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

Establishing Maximum Compensation For An Agreement For A Film Festival

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

Section 1. The sum of \$68,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Philharmonic Orchestra for two full orchestra public concerts and six ensemble public concerts. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and The Rochester Lesbian and Gay Film Festival, Inc., d/b/a ImageOut, for a film festival. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-293
Re: Agreement - The Rochester Lesbian
And Gay Film Festival, Inc.

Ordinance No. 2009-294
Re: Agreement - Theatre Association
Of New York State, AACTFest 2011

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with The Rochester Lesbian and Gay Film Festival, Inc., d/b/a/ ImageOut, for a ten-day film festival, October 9-18, 2009, and special screenings throughout the year. The cost of this agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with The Theatre Association of New York State (TANYS) to support an eight-day theatre festival to take place in downtown Rochester, June 19-26, 2011. The cost of the agreement will be funded from the 2008-09 Budget of the Bureau of Communications.

A similar agreement was authorized by Ord. No. 2008-368 in October 2008. Now in its 17th year, ImageOut offers the following:

The American Association of Community Theatre Festival (AACTFest) began in 1957 and is held every two years. Host cities are chosen through a national bidding process; AACTFest 2007 and AACTFest 2009 were hosted by Charlotte, NC and Tacoma, WA, respectively. Winners of local and state competitions advance to one of 12 regional competitions. The regional winners advance to the national event.

- The film festival with over 120 full-length, short, and documentary films. An average annual attendance of over 10,000 makes this the largest film festival of any kind in New York State outside of New York City;
- A youth project, aimed at education and discussion for and about lesbian, gay, bisexual, and transgender (LGBT) youth;
- Accessibility efforts, particularly for hard-of-hearing patrons;
- Outreach, especially to the physically challenged community; and
- A showcase for visual artists in the LGBT community.

TANYS worked with the Greater Rochester Visitors Association in preparing the winning bid for AACTFest 2011. The festival provides an opportunity for local theater professionals to interact with national and international peers. Geva Theatre has committed to be the main performance venue, and will present productions from each of the 12 national finalists. Roberts Wesleyan College and Nazareth Arts Center will be among the other venues.

The City funds will be used to increase awareness and accessibility to the festival screenings and events with strategic marketing plans throughout Upstate New York, and to increase awareness of ImageOut-Reach and the ImageOut-Youth Project.

TANYS will provide complimentary passes to the City. A plan for distribution of the passes to local youth through the City's recreation centers will be developed in conjunction with the Department of Recreation and Youth Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-294
(Int. No. 325)

Establishing Maximum Compensation For An Agreement For A Community Theatre Festival

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 agreement between the City and The Theatre Association of New York State for a Community Theatre Festival in June, 2011. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-295
Re: Agreement - Bolton-St. Johns, LLC, State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Bolton-St. Johns, LLC, Albany, NY to provide state lobbying services. The cost for this agreement will be funded from the 2009-10 Budget of the Mayor's Office. The term of this contract will be for one year, July 1, 2009 to June 30, 2010. The fee of \$5,000 per month is inclusive of lobbying services and all incidentals, including travel.

Bolton-St. Johns has provided lobbying services since February 2009; their accomplishments through June 30, 2009 include:

- Worked with Assemblyman Gantt and Senator Robach to pass legislation (bill number A9025/S6063) requiring spin-up aid and incentives to be paid on or before June 30 in the fiscal year that such aid is due and payable.
- Worked with Assemblyman Gantt and Senator Thompson to pass legislation (bill number A7332/S3746), signed into law, allowing the City to install red-light traffic enforcement cameras.
- Currently working with the Senate Majority to have the City reimbursed \$536,000 in construction costs for PAETEC Park.
- Currently working with the Governor's office to receive approval for sale of the Josh Lofton property in Rochester.
- Currently working with Assemblywoman John to ensure that the City of Rochester receives \$300,000 in CCAP funds for the

Sebastian Park project.

In addition to the ongoing work mentioned above, the firm will provide the following services:

- Draft and arrange for the introduction of the City's legislative proposals as appropriate.
- Identify and review relevant legislation; provide regular updates; present comments as necessary.
- Review and analyze the State budget for potential impact on the City; monitor appropriations, lobbying to ensure Rochester receives necessary and suitable funding.
- Facilitate relationships with legislative members; arrange and coordinate meetings with State officials; prepare materials for these meetings; accompany City staff to such meetings.
- Coordinate activities with the NY Conference of Mayors and other "Big 5" cities, as necessary.
- Advise on legislative and regulatory objectives; develop a written strategic plan.
- Work with state agencies as necessary to accomplish the City's agenda.

It is crucial in this economy that the City's interests are aggressively represented in Albany. Lobbying services will help in the ongoing efforts of this Administration to ensure that Rochester receives its fair share of state aid, despite the State's fiscal constraints. This is especially important given the anticipated pass-through allocations of Federal stimulus funds for infrastructure projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-295
(Int. No. 326)

Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bolton-St. Johns, LLC for the provision of State lobbying services. Said amount shall be funded from the 2009-10 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-296
Re: Amendatory Agreement - Rochester
Rhinos Stadium Construction Project

Transmitted herewith for your approval is legislation which will authorize an Amendatory Agreement with Populous Architects P.C. (formerly HOK Sports Facilities Architects P.C.) for additional architectural design services. The original agreement, authorized by Ordinance No. 2008-325, established \$300,000 as maximum compensation. This amendment will increase the amount of the agreement by \$30,000 to \$330,000.

A grant of \$4,000,000 from the Dormitory Authority of the State of New York (DASNY) for this project was previously accepted and appropriated by Council in Ordinance No. 2009-61. In that same ordinance, LeChase Construction Services, LLC was approved to provide construction and construction management services at a maximum cost of \$3,700,000. Revisions to the estimated costs of construction, verification of engineering load amounts by an external firm, allocations for the purchase of furniture, fixtures, and equipment for the suites and team locker rooms, and the completion of final design by Populous has led to a reduction of the estimated cost of the LeChase agreement to \$3,451,045. The reduced funding will be allocated to the other purposes.

The overall project includes the completion of the press box and build-out of approximately fourteen suites on the existing Press Level. The use of the DASNY funds are summarized below:

<u>Firm</u>	<u>Purpose</u>	<u>Original Amount</u>	<u>Final Amount</u>
Populous Architects, PC	Engineering design	\$ 300,000	\$330,000
LeChase	Construction management	\$3,700,000	\$3,451,045
Dant Clayton	Load verification	- 0 -	\$6,500
City of Rochester	Furniture, fixtures, equipment	- 0 -	\$212,455

Construction is currently underway and is scheduled for completion in March 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-101

Ordinance No. 2009-296
(Int. No. 327)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Rhinos Stadium 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 an amendatory professional services agreement between the City and Populous Architects P.C. for architectural design services for the Rochester Rhinos Stadium Project. Said amount shall be funded from anticipated reimbursements from the Dormitory Authority of the State of New York to fund the Rochester Rhinos Stadium Project which were appropriated in Section 2 of Ordinance No. 2009-61.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-297
Re: Agreement - Monroe Community College, AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with Monroe Community College, for continued support of the AmeriCorps Program. The cost will be financed from the Undistributed allocation of the 2009-10 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged 17 or older. The City has participated since the program's inception in 1994. Since then, over 1,000 individuals have participated, contributing over 1.5 million hours of service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$11,400 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

The program is administered by Monroe Community College. Local cost-sharing budgeted at \$185,000 in non-federal cash and \$76,218 of in-kind contributions leverages \$445,500 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program will enroll 41 individuals this year; City funding supports 11 placements: three with the Police Department's Victim Assistance Unit and eight in City recreation programs. Enrollee demographic and place-of-residence information will be available upon the completion of enrollment.

City funded placements include:

Police Department. Participants' duties will enhance the activities of the Victim Assistance Unit by expanding capacity to provide court accompaniment and advocacy, crisis intervention, referrals, and safety planning.

Department of Recreation and Youth Services. Participants' duties will enhance the city-wide activities, including the Junior Rec. Leaders Program, BizKid\$, Youth Voice One Vision, Jump into Fitness, and volunteer and special events coordination. In addition, participants expand activities at four recreation center locations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-297
(Int. No. 353)

Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

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

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-298
Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing the Mayor to sell this year's delinquent tax liens, in bulk, to American Tax Funding Servicing, LLC (ATFS).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379, authorized the City to enter into a three-year agreement with two one-year renewal options with ATFS for the annual bulk sale of delinquent tax liens. Said authorization was based upon an initial ATFS offer of 59.55% of the initial August 2008 delinquent tax lien list.

On February 27, 2008, the City closed its first bulk lien tax with ATFS. The City received \$6,036,828.85 for the sale of 5,676 liens (3,327 parcels) having an original value of \$13,976,777.42 (principal and interest). This represented 43.2% of

the original lien value.

For this year, based on an initial list transmitted to ATFS having an aggregate lien amount of \$18,594,294.40, it is estimated that the City will receive \$ 8,321,605.14, or 44.75 % of the original lien amount. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens which are finally sold.

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

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

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-298
(Int. No. 361)

Authorizing The Bulk Sale Of Delinquent Tax Liens

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

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

Section 2. The agreement shall obligate ATFS to pay to the City an amount based upon the ATFS offer of 44.75% of the initial August 2009 delinquent tax lien list, as adjusted to reflect changes to the delinquent tax liens which are finally sold.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-299
Re: Competitive Grant Applications -
Fiscal Year 2009-10

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2009-10. As you know, one of the goals of this administration is to increase revenue from granting sources. This legislation will help to streamline the process by which the City applies for competitive federal, state and private grants.

Council has previously approved such grant applications in Ordinances No. 2007-86 and 2008-183.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of state, regional and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

- 1. If the City is required to pay more than 50% of the cost of the project in the form of operating capital;
- 2. If the award exceeds \$1,000,000; or
- 3. If, in the case of a capital project, completion is required in one calendar year or less.

The City will develop and maintain an inventory of available grant resources to further optimize our ability to take full advantage of funding opportunities. Reports on funds received will be presented to Council on request.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-299
(Int. No. 367)

Authorizing Competitive Grant Applications

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

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

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

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in the form of operating capital shall require City Council authorization.

Section 5. Grant applications exceeding \$1,000,000, and awards for capital projects that require project completion in one calendar year or

less, shall require City Council authorization.

Section 6. This ordinance shall apply retroactively and be in effect for the entire 2009-10 fiscal year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 328
Re: Tax Exemption for Persons with
Disabilities and Limited Income

Transmitted herewith for your approval is legislation authorizing a new tax exemption for property owners with disabilities and limited income who are under the age of 65. This exemption is authorized by New York State Real Property Tax Law section 459-c and may be adopted by local taxing jurisdictions.

The County of Monroe, and most towns within the County, adopted this law in 2003 for application to the 2004 Final Assessment Roll. The City Assessor has been administering this exemption on behalf of the County for County taxes levied on City properties. Adopting this new exemption for City and school taxes will require no additional staff time for the Assessor's Office.

As with the senior citizen tax exemption, the disability exemption requires that the recipient provide proof of income. The new exemption will be tied to the same schedule used for the senior citizen exemption, wherein a person earning \$29,000 or less receives a 50% tax exemption. The exemption amount decreases by 5% per step, with those earning up to \$37,400 receiving a 5% exemption. Those earning more than \$37,400 are not eligible for the exemption.

A total of 286 owners of City property (285 homestead, one non-homestead) will receive the disability exemption for 2009 County tax purposes; this results in an aggregate amount of \$73,500 in savings to the owners for County tax purposes. The City and school tax exemption amount will be approximately \$141,000 in tax savings to owners for 2009-10.

A public hearing on the adoption of the tax exemption is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 328

LOCAL LAW APPROVING THE PERSONS WITH DISABILITIES AND LIMITED INCOMES TAX EXEMPTION

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:

Section 6-71.9. Persons with disabilities and limited incomes exemption.

- A. Pursuant to the authority granted by § 459-c of the Real Property Tax Law, real property in the City of Rochester owned by one or more persons with disabilities, or real property owned by a husband and wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the City of Rochester to the extent of 50% of the assessed valuation thereof.
- B. No exemption shall be granted if the income of the owner or the combined income of the owners of the property, for the income tax year immediately preceding the date of making application for exemption, exceeds the sum of \$29,000, except that, if the income is more than \$29,000, then such real property shall be exempt to the extent provided in the following schedule:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
More than \$29,000 but less than \$30,000	45%
\$30,000 or more but less than \$31,000	40%
\$31,000 or more but less than \$32,000	35%
\$32,000 or more but less than \$32,900	30%
\$32,900 or more but less than \$33,800	25%
\$33,800 or more but less than \$34,700	20%
\$34,700 or more but less than \$35,600	15%
\$35,600 or more but less than \$36,500	10%
\$36,500 or more but less than \$37,400	5%

Section 2. This local law shall take effect immediately and shall first apply during the 2010-11 tax year.

Held in Committee.

By Councilmember Warren
September 8, 2009

To the Council:

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

Int. No. 329 - Authorizing The Sale Of Real

Estate, As Amended

Int. No. 330 - Amending Ordinance No. 2007-340 Relating To The Sale Of Real Estate

Int. No. 331 - Amending Ordinance No. 2009-235 Relating To A Tax Exemption For The El Camino Estates Project

Int. No. 332 - Amending Ordinance No. 2009-234 Relating To The El Camino Estates Project

Int. No. 333 - Authorizing The Acquisition Of Real Estate From The Rochester Urban Renewal Agency

Int. No. 334 - Authorizing An Agreement For The Tenant Services Program

Int. No. 335 - Authorizing An Agreement For The Landlord Services Program, As Amended

Int. No. 354 - Authorizing A Loan Agreement For The Mills At High Falls Phase II Project

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

Int. No. 336 - Amending The Official Map By Renaming The Linden And Meigs Playground At 890 Meigs Street As The Ellwanger And Barry Park

Int. No. 337 - Authorizing The Acceptance Of A Permanent Easement At The Rochester General Hospital For Street Purposes

Int. No. 338 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street

Int. No. 339 - Approving Changes In The Pavement Width Of Carter Street To Install A Right Turn Lane At The Route 104 Frontage Road

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo (Abstained on Int. Nos. 334 and 335)
Gladys Santiago
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-300,
Ordinance No. 2009-301,
Ordinance No. 2009-302 and
Ordinance No. 2009-303

Re: Sale of Real Estate and Amending Ordinances

Transmitted herewith for your approval is legislation approving the sale of 49 properties and amend-

ing Ordinance No. 2007-340, 2009-234 and 2009-235. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 43 properties were sold at the July 13, 2009 public auction to pre-qualified purchasers. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

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

The first year projected tax revenue for these 49 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$33,491.

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

Ordinance No. 2007-340

Ord. No. 2007-340 authorized the sale of 61 Magnolia St. to Rashawn M. Banks, who is now unable to complete the sale. The new purchaser is Roberta Haynes, who is Mr. Banks' mother and has been actively involved in the rehabilitation of the structure.

Ordinances No. 2009-234 and 235

These ordinances approved the sale of real estate and a property tax exemption for parcels for the El Camino Estates Project. One of the approved parcels, 284 Conkey Avenue, cannot be sold due to title problems and has to be removed from the Project. 254 and 283 Conkey Avenue will be added to the Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-102

Ordinance No. 2009-300
(Int. No. 329, 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:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Legal Use</u> <u>Purchaser</u>	<u>Price</u>
314 Ames St 120.25-3-1	42 x 114	2 FAM Ross Conley	\$ 4,700
119 Ave B 106.21-1-56	38 x 120	2 FAM Veronica Anthony	\$ 600
[208 Ave C 091.77-3-21	41 x 120	1 FAM Brian Abramson]	\$ 1,800
45 Bartlett St 121.61-2-11 170-174	37 x 173	1 FAM Anthony A. Wright	\$ 400
Bartlett St 120.67-2-77.1	66 x 141	2 FAM Steven Couch	\$ 400
180 Bartlett St 120.67-2-75	37 x 141	2 FAM Steven Couch	\$ 400
195 Bay St 106.51-1-3	40 x 111	1 FAM Rosemarie Graham	\$ 400
74 Berlin St 106.24-1-5	36 x 143	1 FAM *Ubiquity Enterprises, LLC	\$ 800
[75 Berlin St 106.24-1-20	32 x 107	1 FAM Margaret Austin]	\$ 9,200
27 Bloomingdale St 106.23-1-5	38 x 97	2 FAM David Mankowski	\$ 1,600
80 Cady St 120.60-1-38	34 x 117	1 FAM Jerome Tamburino	\$ 600
13 Carl St 106.31-1-1	38 x 94	1 FAM Denasia Hayes	\$ 400
44 Carthage St 091.61-2-46	50 x 109	3 FAM Tequila Wright	\$ 400
320 Central Pk 106.51-2-62	40 x 121	1 FAM Vincenta C. Durruthy	\$11,000
362 Champlain St 120.59-2-39	33 x 159	1 FAM *Ubiquity Enterprises, LLC	\$ 400
127 Clifton St 120.51-3-5	42 x 100	2 FAM Steven Couch	\$ 500
233 Columbia Ave 120.68-3-59	40 x 115	1 FAM David Mankowski	\$ 400
250 Columbia Ave 120.68-3-41	40 x 176	2 FAM Veronica Anthony	\$ 400
324 Conkey Ave 091.77-3-25	40 x 125	1 FAM Chenda Yok	\$ 400
196 Cottage St 135.28-1-26	51 x 145	1 FAM Ann Mankowski	\$ 400
35 Cutler St 091.69-1-65	41 x 110	1 FAM Michael J. Wood	\$ 1,000
20 Evergreen St 106.37-2-76	35 x 108	2 FAM James Fraser	\$ 400
408 First St 106.35-2-45	40 x 91	1 FAM Shekinah Cooper Reyes	\$ 6,300
552 Genesee St 120.74-1-33	41 x 99	1 FAM Denasia Hayes	\$ 400
461 Hayward Ave 107.69-1-1	35 x 81	2 FAM **Khufu Properties, LLC	\$32,000
462 Hayward Ave 106.68-3-24	40 x 132	1 FAM Daniel Rosario Gomez	\$ 400
621 Joseph Ave 106.31-2-51	36 x 168	2 FAM Jerome Tamburino	\$ 4,000
[60 Laser St 091.72-4-67	34 x 105	2 FAM Brian Abramson]	\$ 4,700
527 Lyell Ave 105.65-2-10	40 x 120	3 FAM Strody J. Hannah	\$ 600

63 Montrose St 105.59-2-18	50 x 115	1 FAM	\$ 400
329 Murray St 105.57-3-26.1	60 x 92	1 FAM	\$ 3,000
25 Peck St 106.68-1-31	40 x 125	1 FAM	\$ 4,500
342 Portland Ave 106.42-2-44	43 x 100	1 FAM	\$ 8,900
19 Sander St 106.43-3-31.1	80 x 105	1 FAM	\$ 400
65 Seabrook St 106.23-2-49	38 x 74	1 FAM	\$ 400
675 Seward St 135.27-2-77	40 x 115	1 FAM	\$ 5,000
126 Sherwood Ave 120.64-3-34	29 x 116	1 FAM	\$ 400
1538 St. Paul St 090.76-1-62	50 x 145	2 FAM	\$ 400
181 Warner St 105.57-1-10	39 x 150	1 FAM	\$ 9,500
83 Weeger St 106.40-3-4.1	66 x 129	1 FAM	\$ 400
253 Wilkins St 106.24-2-14	40 x 102	1 FAM	\$ 400
642 Wilkins St 106.26-1-78	39 x 82	1 FAM	\$ 5,500
112 York St 120.34-2-79	45 x 151	1 FAM	\$ 400

- * Principals: Jeffrey Benjamin, President; Neil Brewster, Vice President
- ** Principals: Kurt Domicos, President; Tracy Kirstein, Member
- *** Principals: Shajan Baby, President

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
205 Sherman St 105.35-2-12.1	30 x 156	4,680	Tammi Johnson
W/H 457 Hawley St Pt of 120.75-2-8	16 x 152	2,432	Ivy D-Lyston
E/H 457 Hawley St Pt of 120.75-2-8	16 x 152	2,432	Aaron Dennis
9 Willow St 105.49-3-14	30 x 80	2,400	Beverly V. Campbell
W/H 7 Glendale Pk Pt of 105.35-2-10	21 x 132	2,772	Charles Naylor
E/H 7 Glendale Pk Pt of 105.35-2-10	12 x 132	1,584	Peter Skandera

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2009-301
(Int. No. 330)

Amending Ordinance No. 2007-340 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2007-340, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 61 Magnolia Street, as approved in Section 1, from Rashawn M. Banks to Roberta Haynes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-302
(Int. No. 331)

Amending Ordinance No. 2009-235 Relating To A Tax Exemption For The El Camino Estates Project

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

Section 1. Ordinance No. 2009-235, relating to a property tax exemption for the El Camino Estates Project, is hereby amended by deleting the parcel at 284 Conkey Avenue, SBL #106.21-3-68, from the list in Section 1 and by adding to said list the following parcels:

<u>Address</u>	<u>SBL</u>
254 Conkey Avenue	106.21-3-46
283 Conkey Avenue	106.21-2-10

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Warren moved to amend Int. No. 332.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2009-303
(Int. No. 332, As Amended)

Amending Ordinance No. 2009-234 Relating To The El Camino Estates Project And Amending Ordinance No. 2009-278

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

Section 1. Ordinance No. 2009-234, relating to the sale of real estate for the El Camino Estates Project, is hereby amended by deleting authorization for the sale of 284 Conkey Avenue, SBL #106.21-3-68, from the list in Section 1 and by adding to said list the following parcels:

<u>Address</u> <u>SBL#</u>	<u>Dimensions</u>	<u>Price</u>
254 Conkey Avenue 106.21-3-46	45' x 123'	\$450
283 Conkey Avenue 106.21-2-10	40' x 123'	\$425

Section 2. Ordinance No. 2009-278, relating to a loan agreement for the Mildred Johnson Estates II Affordable Housing Project, is hereby amended by deleting the appropriation in the amount of \$4,000 from 2008-09 HOME Program Funds in Section 2 thereof and by increasing the appropriation from 2009-10 HOME Program Funds from \$196,000 to \$200,000.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-304
Re: Acquisition of Land from the
Rochester Urban Renewal Agency

Transmitted herewith for your approval is legislation authorizing the purchase for \$1.00 of six parcels owned by the Rochester Urban Renewal Agency (RURA). The properties were acquired by the Agency as part of development projects that are now complete, thereby eliminating the need for them to remain in ownership by the Agency. Acquisition by the City will simplify management of the properties which are being held for future development or are leased to adjoining owners. These transfers are for the effectuation of the purposes of the urban renewal program in accordance with the urban renewal plans.

The subject properties are:

338 Ford Street

This property, adjacent to the Memorial AME Zion Church, carries a lease agreement that will transfer with the property to the City. Water and sewer lines are underground at this site so there is a need to maintain access to the property while allowing the church to use the surface area according to the terms of the agreement. The terms and conditions of the current easement agreement will remain the same.

11 Favor Street, 31 Favor Street, and 25 Favor Street

These three parcels are part of a parking lot that is currently leased to the Vineyard Christian Church. The lease expires in September 2010 and will be re-negotiated prior to that time.

148 Troup Street and 152 Troup Street

These two parcels are currently vacant and are possible development sites. 152 Troup Street is somewhat restricted by utility easements and 148 Troup Street would require significant grading for development.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-304
(Int. No. 333)

Authorizing The Acquisition Of Real Estate From The Rochester Urban Renewal Agency

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 of real estate from the Rochester Urban Renewal Agency for the sum of \$1.00 for the effectuation of the purposes of the urban renewal program in accordance with the urban renewal plans:

<u>Address</u>	<u>SBL Number</u>
338 Ford Street	121.530-2-18.2
11 Favor Street	121.290-1-42.1
31 Favor Street	121.370-2-4.1
25 Favor Street	121.370-2-5.1
148 Troup Street	121.370-2-6
152 Troup Street	121.370-2-7.1

The Ford Street acquisition shall be subject to an easement agreement with Memorial AME Zion Church and the Favor Street acquisitions shall be subject to a lease agreement with Vineyard Christian Church.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-305
Re: Agreement - Legal Aid Society,
Homelessness Prevention

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Legal Aid Society of Rochester, New York, Inc. (Legal Aid) for services related to the Homelessness Prevention and Rapid Re-Housing Program (HPRP), and appropriating the remaining \$100,000 of HPRP funds to fund the agreement. The HPRP funds were received through the American Recovery and Revitalization Act and were included in the 2008-09 Consolidated

Community Development Plan (Ord. No. 2009-149).

This agreement supports the City's Housing Policy Goal 3, *Support Efforts to Strengthen the Rental Market*, and Goal 4, *Promote Housing Choice*. The Rental Market Fund (financed in part by the HPRP funds) of the Consolidated Community Development Plan supports a variety of services, including eviction prevention, that are aimed at preventing vacancies and improving tenant and landlord adherence to their respective rights and responsibilities.

The HPRP funds are to be used specifically for legal services that help people stay in their homes, and can include legal advice and representation in legal proceedings related to tenant/landlord or housing issues. Legal Aid will provide these services to tenants who are at risk of homelessness and whose household incomes do not exceed 50% of Median Family Income for the area.

The landlord/tenant services have traditionally been funded through the City's annual CDBG award. The HPRP award will be used to support the tenant portion of services, allowing the previously designated CDBG funds to be allocated for other uses. It is anticipated that the 2010-11 Consolidated Community Development Plan will revert to funding these services through the CDBG.

Legal Aid will continue as the coordinator for services they provide directly, and for those provided by Legal Assistance of Western New York/MCLAC (MCLAC). In 2008-09, City funds enabled Legal Aid and MCLAC to help 319 tenants with advice and representation.

With the use of HPRP funds during the 2009-10 service year, Legal Aid (and MCLAC through a sub-contract with Legal Aid) will be reporting on data bases compatible with HPRP. This will facilitate stronger links among eviction prevention service providers, and improve access to the service network developed by the community collaborative, including the Continuum of Care, the Emergency Services Network, the City, the County, and the United Way.

The term of the agreement will be 18 months, extending to March 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-305
(Int. No. 334)

Authorizing An Agreement For The Tenant Services Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Legal Aid Society of Rochester, NY, Inc. for the Tenant Services

Program for a term of eighteen months.

Section 2. 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, is hereby appropriated from Homelessness Prevention and Rapid Re-Housing Program Funds of the Amended 2008-09 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Palumbo abstained on Int. No. 334 because she is employed by the Legal Aid Society.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-306
Re: Agreement - Legal Aid, Landlord Services

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an agreement with Legal Aid Society of Rochester, New York, Inc. (Legal Aid) for landlord services, and appropriating \$65,000 from the Rental Market Fund of the 2009-10 Consolidated Community Development Plan (Housing Stock and General Property Conditions allocation) to fund the agreement.

This agreement supports City Housing Policy Goal 3, *Support Efforts to Strengthen the Rental Market*, and Goal 4, *Promote Housing Choice*.

The Rental Market Fund of the 2009-10 Community Development Plan (Rental Market fund) supports a variety of services that are aimed at preventing vacancies and improving tenant and landlord adherence to their respective rights and responsibilities. The goal of landlord services specifically is to increase the number of landlords who operate their properties with attention to good business practices, so as to prevent loss of rental income and the expenses of re-occupancy.

Services to landlords will include:

- Rental property management workshops for new and experienced landlords,
- *Pro se* clinics and neighborhood-based workshops on code requirements and practices that conform to legal standards for dealing with problem tenants,

- Alternative dispute resolution for landlords and tenants whose disputes would otherwise result in lease termination,
- One-on-one coaching for operating rental property as a business, and
- Hot line call-in service for landlords for problem solutions or to receive referrals.

Service delivery during 2008-09 met or exceeded goals as below:

<u>Service Provider</u>	<u>Goal</u>	<u>Actual</u>
Rental property workshops		
The Housing Council	6	8
Attendees	N/A	60
City rental units owned	N/A	160
<i>Pro se</i> clinics & neighborhood workshops		
Legal Aid	6	7
Attendees	N/A	77
City rental units owned	N/A	259
Alternative dispute resolution		
Legal Aid	20	20
One-on-one coaching		
The Housing Council	20	21
Hot Line		
The Housing Council	900	1,379

In addition, although not required by the terms of the agreement, The Housing Council convened a Landlord Expo in February 2009 which attracted 151 visitors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-306
(Int. No. 335, As Amended)

Authorizing An Agreement For The Landlord Services Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Legal Aid Society of Rochester, NY, Inc. for the Landlord Services Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$[65,000] 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 2009-10 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.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Palumbo abstained on Int. No. 335 because she is employed by the Legal Aid Society.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-307
Re: Mills at High Falls Development
Project - Phase II

Transmitted herewith for your approval is legislation related to Phase II of the Mills at High Falls development project. This legislation will:

1. Authorize a construction loan in the amount of \$800,000 to the Urban League of Rochester Economic Development Corporation or a subsidiary to be formed for this project. The term of the loan will be for nine months at 1% interest.
2. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits.

An application is pending for HUD Neighborhood Stabilization Program Phase II funds in partnership with the NY State Housing Finance Agency. In anticipation of that funding, this short term loan will be funded from Cash Capital (2003-04 \$30,500; 2006-07 \$15,500; and 2009-10 \$754,000). If the application is not successful, HOME funds will replace the Cash Capital to provide permanent financing for the project.

The Urban League of Rochester Economic Development Corporation (ULREDC) recently completed Phase I of the Mills at High Falls project. Phase I included the construction of 67 mixed-income units and two commercial spaces located at 310-312 State Street and 130 Platt Street.

Phase II includes the redevelopment of four historic buildings located at 368-392 State Street into 21 mixed-income units (10 studio and one-bedroom flats, and 10 two-bedroom townhouses). Ten units will be available for individuals earning 60% or less of AMI and 11 will be for families earning 61-90% of AMI.

ULDREC, in conjunction with Edgemere Development, Inc., will undertake the redevelopment project, and has been approved to receive low-income housing tax credits from the New York State Division of Housing and Community Renewal. The total cost of development is \$6,823,968. The budget is as follows:

Costs

Acquisition	\$ 107,000
Soft Costs	1,217,180
Construction	4,146,867
Contingency	366,979
Developer Fee	870,054
Working Capital	53,888
Operating Reserve	<u>62,000</u>
Total	\$6,823,968

Sources

NYS DHCR	\$2,000,000
City	800,000
LIHTC Equity	3,981,939
Developer Fee	<u>42,029</u>
Total	\$6,823,968

The loan of City funds will allow work necessary to immediately stabilize the buildings to proceed. This will include façade and interior stabilization, and roof replacement to prevent further safety hazards and deterioration. Estimated at a cost of \$1,083,000 this work will begin in October 2009, with completion expected in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-307
(Int. No. 354)

Authorizing A Loan Agreement For The Mills At High Falls Phase II Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the Urban League of Rochester Economic Development Corporation and/or a subsidiary formed for the Mills at High Falls Phase II Project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mills at High Falls Phase II Project. The funding shall be provided for nine months at an interest rate of 1%. Payment of the interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$800,000, and of said amount, or so much thereof as may be necessary, \$30,500 shall be funded from the 2003-04 Cash Capital allocation, \$15,500 shall be funded from the 2006-07 Cash Capital allocation and \$754,000 shall be funded from the 2009-10 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-308
Re: Amending the Official Map - Ellwanger
And Barry Park

Transmitted herewith for your approval is legislation amending the Official Map by changing the name of the parcel at 890 Meigs Street from Linden and Meigs Playground to Ellwanger and Barry Park. The Highland Park Neighborhood Association is requesting this action to commemorate the contributions of nurserymen George Ellwanger and Patrick Barry to city parks and development of the Rochester area. The site is located in the Highland Park neighborhood, much of which was part of the original Ellwanger and Barry nursery.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, this proposal is a Type II Action requiring no further environmental review.

The Planning Commission held an informational hearing on August 10, 2009. There were four speakers in support and no speakers in opposition to the proposal. By a vote of 6-0-0, the Planning Commission recommends approval.

A public hearing is required for the Official Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-103

Ordinance No. 2009-308
(Int. No. 336)

Amending The Official Map By Renaming The Linden And Meigs Playground At 890 Meigs Street As The Ellwanger And Barry 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 renaming the Linden and Meigs Playground at 890 Meigs Street, described as follows, as the Ellwanger and Barry Park:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 60, Second Division, and being more particularly bounded and described as follows:

Beginning at the intersection of the northerly ROW line of Linden Street (50' ROW) with

the easterly ROW line of Meigs Street (60' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said easterly ROW line of Meigs Street, with an interior angle of 90° 36' 07" with said Linden Street, a distance of 143.25 feet to a point; thence
- 2) Easterly, with an interior angle of 89° 28' 20", a distance of 267.00 feet to a point; thence
- 3) Southerly, with an interior angle of 90° 30' 40", a distance of 39.48 feet to a point; thence
- 4) Westerly, with an interior angle of 89° 36' 03", a distance of 10.82 feet to a point; thence
- 5) Southerly, with an interior angle of 269° 48' 50", a distance of 104.04 feet to the said northerly ROW line of Linden Street; thence
- 6) Westerly, with an interior angle of 90° 00' 00" and along said ROW line of Linden Street, a distance of 255.07 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.85 acres, more or less, all as shown on a map entitled "School No. 24 Playground", prepared by the City of Rochester Office of Maps & Surveys and dated March 25, 1935.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-309,
Ordinance No. 2009-310 and
Ordinance No. 2009-311

Re: Official Map Amendment - Carter Street

Transmitted herewith for your approval is legislation related to Carter Street in the vicinity of Rochester General Hospital. This legislation will:

- 1. Authorize the acceptance of a permanent easement granted by Rochester General Hospital for a 2,906 square foot parcel located in the area of the proposed width changes on Carter Street;
- 2. Amend the Official Map by dedicating the easement as public right-of-way;
- 3. Authorize the following pavement width changes on Carter Street to add a turning lane on the east side of the street as follows:
 - a) A variable widening, beginning with an

increase of eight feet from 48 feet to 56 feet starting at the NYS Route 104 frontage road and tapering to an increase of nine feet, from 36 feet to 45 feet at a point 263 feet south of that point; and

- b) A variable widening beginning with an increase of nine feet from 36 to 45 feet starting from the end point above and tapering to match the existing width of 34 feet at a point 296 feet south of the NYS Route 104 frontage road.

Rochester General Hospital (RGH) is undertaking improvements near Carter Street as previously approved by Council in August 2008. The pavement width change was required to provide a right turn lane onto Route 104 East and to reduce congestion on Carter Street. The Traffic Control Board endorsed the changes at its July 13, 2009 meeting.

The acquisition will provide for installation of a right turn lane on northbound Carter Street for vehicles turning onto NYS Route 104 frontage road. The project includes the rehabilitation of pavement and pavement striping; installation of new curbs, sidewalks, and survey monuments; and traffic signal and sign modifications. As a previous condition for construction of the garage at Carter Street, RGH commissioned a traffic study to determine the best traffic management methods. The changes requested are a result of said study.

The associated Official Map Amendment was presented to the City Planning Commission on August 10, 2009 and approved by a vote of 6-0.

It is anticipated that construction will begin in September 2009, with substantial completion by 2010.

Public hearings are required for the Official Map amendment and pavement width changes.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-104

Ordinance No. 2009-309
(Int. No. 337)

Authorizing The Acceptance Of A Permanent Easement At The Rochester General Hospital For Street Purposes

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

Section 1. The Council hereby approves the acceptance of a permanent easement for street purposes over approximately 2,906 square feet of property owned by the Rochester General Hospital, SBL #91.50-1-9.4.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-310
(Int. No. 338)

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to Carter Street:

All that tract or parcel of land being part of Town Lot 38, Township 14, Range 7, situate in the City of Rochester, County of Monroe, State of New York, described as follows:

Beginning at the intersection of the east bounds of Carter Street with the south bounds of the Keeler Street Expressway; thence

N 69°12'08" E along the south bounds of the Keeler Street Expressway, a distance of 8.77 feet to a point; thence

S 03°09'41" E through lands now or formerly belonging to Rochester General Hospital, a distance of 198.78 feet to a point; thence

S 14°17'09" W continuing through said lands of Rochester General Hospital, a distance of 47.74 feet to a point in the east bounds of Carter Street; thence

N 03°11'20" W along the east bounds of Carter Street, a distance of 158.03 feet to a point; thence

N 00°57'40" E continuing along the east bounds of Carter Street, a distance of 83.86 feet to the point of beginning.

Containing 2,906 square feet or 0.067 acre of land being the same more or less.

Section 2. This ordinance shall take effect upon acquisition by the City of a permanent easement over the parcel to be dedicated.

Passed unanimously.

Ordinance No. 2009-311
(Int. No. 339)

Approving Changes In The Pavement Width Of Carter Street To Install A Right Turn Lane At The Route 104 Frontage Road

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

Section 1. The Council hereby approves the following geometric changes in the pavement

width on the eastside of Carter Street, to provide for a right turn lane at the New York State Route 104 frontage road:

a) A variable widening, beginning with an increase of eight (8) feet from 48 feet to 56 feet starting at the NYS Route 104 frontage road and tapering to an increase of nine (9) feet, from 36 feet to 45 feet at a point 263 feet south of that point, and;

b) A variable widening beginning with an increase of nine (9) feet from 36 to 45 feet starting from the end point above and tapering to match the existing width of 34 feet at a point 296 feet south of the NYS Route 104 frontage road.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
September 8, 2009

To the Council:

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

Int. No. 340 - Authorizing Applications And Agreements For Grants For High Falls And Mt. Hope Cemetery

Int. No. 341 - Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

Int. No. 342 - Establishing Maximum Compensation For A Professional Services Agreement For The East Henrietta Road Improvement Project

Int. No. 343 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$410,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The East Henrietta Road Improvement Project

Int. No. 344 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Cathodic Protection Program For The Water System

Int. No. 345 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

Int. No. 346 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,785,000 Bonds Of Said City To Finance The

Reconstruction Of The City's South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

Int. No. 352 - Establishing Maximum Compensation For A Professional Services Agreement For A Water Hydraulic Model

Int. No. 362 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Turning Point Park Trailhead Parking Lot Expansion Project

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

Int. No. 363 - Establishing Maximum Compensation For A Professional Services Agreement For The Lawn Street Improvement Project

Int. No. 364 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$473,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Lawn Street Improvement Project

Int. No. 365 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$142,500 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lawn Street Improvement Project

Int. No. 366 - Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project

Respectfully submitted,
John F. Lightfoot
Carla M. Palumbo
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-312
Re: Grant Applications - New York
State Office of Parks, Recreation
And Historic Preservation

Transmitted herewith for your approval is legislation authorizing applications to the New York State Office of Parks, Recreation and Historic Preservation for two grants totaling \$920,000. These grants will fund work on the High Falls Heritage Area, and the Chapel at Mt. Hope Cemetery. A 25% minimum local share is required.

Historic Preservation and Heritage Area Grant

Several components of the High Falls Festival Site, situated on the structural remnants of an 1888 shoe factory and sawmill, require work to restore and preserve the structures. These periodic repairs

include: moisture protection for the Triphammer Forge water wheel, and masonry and deck repairs to the Forge; the gorge wall at Granite Mills Park, adjacent to the pedestrian Pont de Rennes Bridge, suffers from continued settling and erosion and requires repointing and repairs to pavers to ensure safety.

A total of \$290,000 is available in 2009-10 Cash Capital (Ord. No. 2009-268) to fund the local match. The funds will address the most immediate needs at the site, including an anchoring inspection along the Gorge Wall and design of water wheel improvements. The Department of Environmental Services, Bureau of Architecture and Engineering, will also investigate the source of water loss along the raceway. The estimated project budget is \$610,000, including the City's current match.

Environmental Protection Fund Program Grant

The Gothic Revival style Chapel at Mt. Hope Cemetery, built in 1912, was designed by J. Foster Warner, an iconic Rochester architect responsible for the Granite Building, Sibley Building, and George Eastman House. The Chapel is suffering from deterioration caused by exposure to harsh environmental conditions. In October 2008, Plan Architectural Studio, PC, under a term agreement, provided a condition assessment of the building envelope. They determined that the highest priority for repairs and restoration is the upper area of the main body of the Chapel, including clerestory and end wall masonry and window systems.

Plan consulted with Mesick, Cohen, Wilson, Baker Architects, LLP, lead design consultant for the current City Hall Brownstone Restoration Project, to prepare restoration recommendations with cost projections for the Chapel's window and masonry systems. The estimated cost of repairs is \$900,000; the City will seek the maximum grant award amount of \$600,000 for the project. The partial match of \$300,000 is identified in the 2010-11 Capital Improvement Plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-312
(Int. No. 340)

Authorizing Applications And Agreements For Grants For High Falls And Mt. Hope Cemetery

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation under the Historic Preservation and Heritage Area Grant Program for funding for the preservation and repair of facilities in the High Falls Area.

Section 2. The Mayor is hereby further author-

ized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation under the Environmental Protection Fund Grant Program for funding for the restoration and repair of the Mt. Hope Cemetery New Chapel.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-313
Re: Agreement - High Falls Development Corporation, Maintenance Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum annual compensation for a two-year agreement with High Falls Development Corporation (principal, Ben Kendig), for the provision of maintenance services at the High Falls Festival Site. The cost of this agreement will be funded from the 2009-10 and 2010-11 Budgets of the Department of Environmental Services.

The High Falls Development Corporation is the owner, developer, and operator of the High Falls Building adjacent to the festival site. The firm currently leases the festival site, and the two floors beneath it, from the City. The firm is responsible for normal maintenance of the festival site and terrace areas, except after festivals. The firm will provide additional services in designated areas within the framework of this agreement. The attached map illustrates these areas.

High Falls Development Corporation was selected to provide these services given its interests in the maintenance of surrounding festival site areas, proximity to the site, and the capability to provide maintenance services. The firm has provided these services under agreement with the City since October 2000, with the most recent agreement authorized in October 2007.

The following services will be provided throughout the area: litter and trash removal; routine graffiti removal; repair and resetting of pavers as needed; resetting of pavers every two years; annual fertilizing and mulching of landscape beds; and watering and weeding of landscape beds as needed.

In addition, site-specific services will be provided as follows: for Area A, cleaning and removal of stains on pavers and concrete surfaces; painting of all metal surfaces; and snow plowing, removal and deicing as needed; and for Area C, repointing of stone walls as needed; repair and painting of plastered walls on terrace as needed; painting of fences and railings as needed; replacement of light bulbs as needed; and weekly cleanup of the shelf area

contiguous to the terrace.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-105

Ordinance No. 2009-313
(Int. No. 341)

Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and High Falls Development Corporation for High Falls Festival Site maintenance services for a term not to exceed two years. Said amount shall be funded from the 2009-10 and 2010-11 Budgets of the Department of Environmental Services, contingent upon approval of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-314 and
Ordinance No. 2009-315
Re: Agreement - Bergmann Associates,
East Henrietta Road Project (ARRA)

Transmitted herewith for your approval is legislation related to the East Henrietta Road Project. This legislation will:

1. Establish \$280,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for resident project representation (RPR) services for the project. The cost of the agreement will be financed from American Recovery and Reinvestment Act funds previously appropriated in March 2009 (Ord. No. 2009-73); and
2. Authorize the issuance of bonds totaling \$410,000 and the appropriation of the proceeds thereof to finance the water portion of the project.

The project involves the rehabilitation and reconstruction of East Henrietta Road, from Mt. Hope Avenue to South Avenue. The work includes pavement rehabilitation or reconstruction; new granite stone curb and under-drain installation; new concrete sidewalks and driveway apron replacements installation; drainage improvements; sewer and water utilities relocation; traffic signal equipment relocation and replacement; new pavement

markings and signage; bus stop improvements; street lighting improvements; and landscaping improvements. The consultant will provide RPR and general consultation services during the construction.

The East Henrietta Road Project is a first-tier qualified project funded under ARRA. The New York State Department of Transportation (NYSDOT) recently solicited qualifications for RPR services from fifteen consultants on their Local Design Services Agreement. When City projects include ARRA funding, RPR consultants must be selected from the NYSDOT list. Based on staff availability and qualifications, Bergmann Associates is recommended for this project.

RPR services will begin with construction in fall 2009; completion is scheduled for summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-314
(Int. No. 342)

Establishing Maximum Compensation For A Professional Services Agreement For The East Henrietta Road Improvement Project

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

Section 1. The sum of \$280,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for resident project representation services for the East Henrietta Road 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 American Recovery and Reinvestment Act Funds appropriated in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-315
(Int. No. 343)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$410,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The East Henrietta Road Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the East Hen-

rietta Road Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$410,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$410,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$410,000 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 \$410,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially

level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-316
Re: Amendatory Agreement - CorrTech,
Corrosion Engineering Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with CorrTech Engineering of Hopkinton, MA for additional corrosion engineering and cathodic protection consultation services related to City's water transmission and distribution systems. This amendment will increase compensation by \$20,000 to be funded from 2003-04 (\$10,000) and 2009-10 (\$10,000) Cash Capital, and extend the term to October 2011.

The original agreement, authorized in June 2001, established \$195,000 as maximum compensation for the design and inspection of the first phase of a cathodic protection system for the City's water supply conduits. An amendment, authorized in September 2007, increased compensation by \$25,000 and extended the term to October 2009. This second amendment will bring total compensation to a maximum of \$240,000.

CorrTech has demonstrated their technical expertise on water main corrosion and cathodic protection related issues and will continue to assist Water Bureau staff in evaluating causes of water main breaks and furnishing recommendations for mitigating corrosion within the water system.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-316
(Int. No. 344)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Cathodic Protection Program For The Water System

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and CorrTech Engineering for the design and inspection of a cathodic protection program for the City water system through October, 2011. Of said amount, \$10,000 shall be funded from the 2003-04 Cash Capital allocation (Water Fund) and \$10,000 shall be funded from the 2009-10 Cash Capital allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-317 and
Ordinance No. 2009-318
Re: South Clinton Avenue Conduit
Modernization Project

Transmitted herewith for your approval is legislation relating to the South Clinton Avenue Conduit Modernization Project. This legislation will:

- 1. Authorize an amendatory agreement with Bergmann Associates, 28 East Main Street, for construction design and resident project representation (RPR) services, and;
- 2. Authorize the issuance of bonds totaling \$4,785,000 and appropriate the proceeds thereof to finance the Project construction and project administration phases.

The Project will replace two existing water supply conduits on South Clinton Avenue, between I-590 and Suburban Court in Brighton, with a single new conduit of comparable hydraulic capacity.

The original design agreement with Bergmann Associates for \$460,000 was authorized by City Council in September 2008. This amendment will

modify the scope of the agreement to include additional design and RPR services. The amendment will increase the maximum compensation by \$405,000 to a total of \$865,000, and will also extend the term of the agreement to July 2012. The cost of the agreement will be funded from the proposed bond proceeds.

In May 2009, Council authorized an agreement with Monroe County for pavement resurfacing betterments that will be performed as part of this project which will be reimbursed by Monroe County. The estimated Project reimbursements total \$245,000.

Bids for construction were received on August 18, 2009. The work will be performed by Villager Construction, Inc., at a cost of \$3,552,621. An additional \$827,379 will be allocated for contingencies and material testing.

Construction is expected to begin this fall and be completed by summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-106

Ordinance No. 2009-317
(Int. No. 345)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

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

Section 1. The sum of \$405,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for construction design and resident project representation services for the South Clinton Avenue Conduit Modernization Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for the South Clinton Avenue Conduit Modernization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-318
(Int. No. 346)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,785,000 Bonds Of Said City To Finance The Reconstruction Of The City's South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

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 the City's South Clinton Avenue Water Supply Conduit located in the Town Of Brighton (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 \$4,785,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,785,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$4,785,000 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 \$4,785,000. 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 authori-

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-319
Re: Agreement - Malcolm Pirnie, Inc.,
Water Quality Modeling

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Malcolm Pirnie, Inc., Rochester, for the support and maintenance of the City Water Bureau's GIS-based hydraulic and water quality computer model. The cost of this agreement will be funded from the 2009-10 Cash Capital allocation (Water Fund).

Malcolm Pirnie was previously authorized by Council in October 2005 and March 2007 to provide consultant services for the creation and calibration of the Water Bureau's computer model.

They have assisted Bureau staff in performing computer simulations for recently-adopted EPA regulations and determining the regulations' impacts on the City's water system.

This agreement will be for a two-year term, with an option for three one-year renewals, to continue their previous work and to assist the Water Bureau in updating the model.

Malcolm Pirnie is qualified to perform this work due to their familiarity with the City's water system, their demonstrated expertise in the creation and calibration of the computer model, and their knowledge of current and upcoming EPA regulations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-319
(Int. No. 352)

Establishing Maximum Compensation For A Professional Services Agreement For A Water Hydraulic Model

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

Section 1. The sum of \$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 Malcolm Pirnie for engineering consulting and support services for the water hydraulic model based on the Water and Lighting Bureau's GIS data. Said amount shall be funded from the 2009-10 Cash Capital allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-320
Re: Agreement - Stantec Consulting
Services, Turning Point Park
Trailhead Parking Lot Expansion

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for engineering design services. The agreement shall be funded from the Department of Environmental Services 2008-09 Cash Capital allocation.

This project is intended to enhance the continued development of the Genesee Riverway Trail at Turning Point Park, which connects the river from the southern tip of the City limits to the Port of Rochester on Lake Ontario. The current Turning Point trail section runs along the west side of the river from Boxart Street north to Petten Street,

including a half-mile boardwalk bridge along the west river bank. This portion of the Trail, opened in November 2006, has significantly increased trail user traffic, resulting in increased demand for safe, convenient parking. The existing parking lot holds approximately 32 cars.

The planned parking lot will be constructed on City property on Boxart Street and will increase the number of spaces to approximately 100. Improvements will include site grading; curb and pavement improvements, including connections to street and sidewalk network; drainage; and ancillary features.

Stantec Consulting Services will provide survey, preliminary and final design of improvements, as well as bid and award of a construction contract and construction phase design services. The project budget, including contingencies, is \$500,000 and is requested in the 2010-11 Capital Improvement Program.

Qualifications were solicited from fourteen firms; eight responded including Bergmann Associates, CHA, Passero Associates, FRA, McCord Landscape Architecture, Clark Patterson Lee, and Lu Engineers. City staff reviewed the proposals and, based on their qualifications and approach to the project, Stantec Consulting Services was selected.

Design will begin in October 2009, with completion scheduled for spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-107

Ordinance No. 2009-320
(Int. No. 362)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Turning Point Park Trailhead Parking Lot Expansion Project

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design services for the Turning Point Park Trailhead Parking Lot Expansion Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-321,
Ordinance No. 2009-322,
Ordinance No. 2009-323 and
Local Improvement Ordinance No. 1610

Re: Lawn Street Improvement Project

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

1. Establish \$110,000 as maximum compensation for an agreement with Dewberry-Goodkind, Inc., Rochester, for Resident Project Representation (RPR) services related to the project. The cost of the agreement will be funded from the bonds requested herein;
2. Authorize the issuance of bonds totaling \$473,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
3. Authorize the issuance of bonds totaling \$142,500 (rounded from the chart below for bonding purposes) and the appropriation of the proceeds thereof to finance the cost of the water improvements; and
4. Appropriate \$37,400 from the Local Improvement Fund to finance the cost to maintain an underground areaway at 50 Chestnut Street, and, through a Local Improvement Ordinance, authorize the assessment of this amount against the property.

The project on Lawn Street, which runs between Broadway and Chestnut Street, includes the reconstruction of pavement; installation of new curbs, catch basins, parking meters and driveway aprons; replacement of sidewalks, signs, street lighting and the water main and water services; and the installation of planters over an areaway.

Design of the project by Dewberry, Inc. was authorized by Council in September 2007. Pavement width changes and a change in the direction of traffic flow were authorized by Council in December 2008.

Bids for construction were received on August 19, 2009. The apparent low bid of \$498,872.50 was submitted by Gordon J. Phillips, Inc., 670 Beach Avenue, Rochester, N.Y. which is 25.6% less than the engineer's estimate. An additional \$61,127.50 will be allocated for project contingencies and street lighting improvements.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>RPR</u>	<u>Total</u>
<u>Construction</u>		
<u>Contingency</u>		
Street bond		
\$344,296.83	\$ 86,240.00	
	\$42,463.17	\$473,000
Water bond		
107,800.67	23,760.00	
	10,839.33	142,400
Sewer bond		
11,705.00	-0-	
	1,195.00	12,900
County traffic		
3,870.00	-0-	
	430.00	4,300
LIO		
<u>31,200.00</u>	<u>-0-</u>	
	<u>6,200.00</u>	<u>37,400</u>
Total		
\$498,872.50	\$110,000.00	
	\$61,127.50	\$670,000

The cost of the street and water improvements will be financed from proceeds of the proposed bonds. The sewer improvements will be financed from Bond Ordinance 2009-46. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

There is an areaway located at 50 Chestnut Street that is integral to the use of the property; the owner, 50 Chestnut Plaza LLC, has elected to retain it. Rather than replace the roof structure, the project will include installation of planters by the City's Street Project contractor to prevent vehicles, with the exception of sidewalk plows, onto the sidewalk.

The City will pre-finance the property owner's areaway repair costs through a Local Improvement Ordinance pursuant to the City's Areaway Policy as established by Ordinance No. 81-104. The LIO provides for the repayment of the cost of the work, plus 1% over the City's borrowing rate, in one payment at the completion of the street construction.

Dewberry-Goodkind, Inc. was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project.

A public informational meeting was held on October 7, 2008; minutes of the meeting were previously submitted.

It is anticipated that construction will begin in October 2009 and will be substantially completed by summer 2010.

A public hearing on the Local Improvement Ordinance is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-108

Ordinance No. 2009-321
(Int. No. 363)

Establishing Maximum Compensation For A Professional Services Agreement For The Lawn Street Improvement Project

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

Section 1. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry-Goodkind, Inc. for resident project representation services for the Lawn 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, \$86,240 shall be funded from a bond ordinance for street purposes and \$23,760 shall be funded from a bond ordinance for water purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-322
(Int. No. 364)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$473,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Lawn 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 Lawn 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 \$473,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$473,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$473,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an

interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

within twenty (20) days after the date of such publication, or

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

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

Passed unanimously.

Ordinance No. 2009-323
(Int. No. 365)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$142,500 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Lawn 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 Lawn Street Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$142,500, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$142,500 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$142,500 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$142,500. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by

Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Local Improvement Ordinance No. 1610
(Int. No. 366)

Local Improvement Ordinance - Areaway Repair At 50 Chestnut Street As A Part Of The Lawn Street Improvement Project

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

Section 1. As part of the Lawn Street Improvement Project, the Council hereby authorizes the special treatment of the areaway at 50 Chestnut Street in the form of the repair of said areaway, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

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

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

Address: 50 Chestnut Street
SBL No.: 121.24-2-37
Owner: 50 Chestnut Plaza LLC
Amount: \$37,400

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$37,400, plus interest at a rate 1% above the City's "latest borrowing rate", shall be assessed on the property described above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

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

Section 6. The total cost of said improvements and work, up to \$37,400, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
September 8, 2009

To the Council:

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

Int. No. 356 - Authorizing Agreements And Appropriating Funds For The Energy Efficiency And Conservation Block Grant Program

Int. No. 357 - Approving The Granting Of A Permanent Environmental Easement Over 399 Gregory Street

Int. No. 358 - Establishing Maximum Compensation For A Professional Services Agreement For The Center City Circulator Study

The following entitled legislation is being held in Committee:

Int. No. 347 - Establishing Maximum Compensation For Amendatory Professional Services Agreement For Midtown Plaza

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Gladys Santiago
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-324
Re: Agreement - Energy Efficiency and Conservation Block Grant Services

Transmitted herewith for your approval is legislation related to the City's Energy Efficiency and Conservation Block Grant (EECBG.) This legislation will:

- 1) Authorize an agreement with the U.S. Department of Energy (DOE) for the receipt and use of EECBG funds;
- 2) Establish \$192,100 as maximum compensation for an agreement with O'Brien & Gere for the preparation of the City's greenhouse gas inventory, the Energy Efficiency and Conservation Strategy (EECS) required by the EECBG, and ongoing reporting as required by the EECBG; and
- 3) Appropriate \$250,000 of Energy Efficiency and Conservation Block Grant funds to finance the cost of the agreement and City

personnel time. No budget amendment is needed as funding was anticipated in the current budget.

In March 2009, as part of the American Recovery and Reinvestment Act of 2009, the DOE announced that \$3.2 billion would be used to fund in energy efficiency and conservation projects. The EECBG program appropriates this funding for the DOE to award formula-based grants to states, U.S. territories, units of local government, and Indian tribes. The purpose of the program is to assist eligible entities in creating and implementing activities to:

- Reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent possible, maximizes benefits for local and regional communities;
- Reduce the total energy use of the eligible entities; and
- Improve energy efficiency in the building, transportation, and other appropriate sectors.

The City of Rochester has been allocated \$2,199,800 in EECBG funding. All entities receiving these direct formula grants are required to develop and implement an Energy Efficiency and Conservation Strategy (Strategy). In June, the City submitted its application for \$250,000 to prepare the Strategy and greenhouse gas emissions inventory. The balance of the EECBG allocation, \$1,949,800, will be available after DOE approval of the City's Strategy.

The Strategy must include descriptions of the following:

- How the balance of the funding will be used, with measurable goals and objectives and a schedule for implementation;
- The City's cooperative/collaborative efforts with adjacent local governments' Strategies;
- Methods for coordination and information-sharing with New York State to maximize energy efficiency and conservation benefits;
- How the benefits of the plan will be sustained beyond the three-year EECBG funding period; and
- The transparency and accountability measures that will be used to ensure appropriate use of funds.

In July 2008, a Request for Proposals was issued for the preparation of the Strategy and the greenhouse gas inventory and other program-related services EECBG related services. The RFP was sent directly to six firms - O'Brien & Gere, EMCOR, Barton and Loguidice, LaBella Associates, CHA and Pathfinder Engineers. Proposals were received from four firms, including O'Brien & Gere, EMCOR, LaBella Associates and CHA. O'Brien & Gere is recommended based upon the

quality and scope of its proposal, the firm's experience and expertise in completing similar projects, the proposed project team, and reasonableness of its proposed fee. This agreement will have an initial term of two years with a provision for one annual renewal based on mutual written agreement.

It is anticipated that the EECS will be completed by November 30, 2009 and the GHG inventory will be completed by March 2010. EECBG reporting services will be required throughout the term of the grant, ending July 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-324
(Int. No. 356)

Authorizing Agreements And Appropriating Funds For The Energy Efficiency And Conservation Block Grant Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Energy for funding under the Energy Efficiency and Conservation Block Grant Program. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. The sum of \$192,100, 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 O'Brien & Gere Ltd. for technical planning and consulting services for the Energy Efficiency and Conservation Block Grant Program. The agreement shall extend for a term of two years, with a one-year renewal option. Said amount shall be funded from the appropriation made in Section 3.

Section 3. There is hereby appropriated from Energy Efficiency and Conservation Block Grant Funds the sum of \$250,000, or so much thereof as may be necessary, to fund the Energy Efficiency and Conservation Block Grant Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-325
Re: Environmental Easement -
399 Gregory Street

Transmitted herewith for your approval is legislation authorizing the granting of an environmental easement over City-owned property at 399 Gregory Street to the New York State Department of Environmental Conservation (DEC). The City is com-

pleting a Brownfield cleanup project at this former Davidson Collision site.

The site had been abandoned and tax delinquent since the mid-1990's until the City foreclosed on this property in October 2004. The property was under investigation by the DEC since the early 1990's due to waste paint and paint thinner releases. In October 2004, City Council authorized an agreement with Stantec for a site investigation, reuse concept planning and selection of a recommended approach for site cleanup. In April 2005, the City entered into a brownfield cleanup agreement with the DEC, and in 2006 the EPA grant was awarded. The City cleanup plan was formally approved by the DEC in July 2008. In December 2008, the Council authorized an agreement with Stantec for completion of environmental remediation services at the site and authorized the issuance of bonds totaling \$60,000 to partially finance the cost of the agreement. Remediation, other than some ongoing groundwater monitoring, is complete. Real Estate is planning a redevelopment RFP for the parcel for later this year.

When a Brownfield cleanup project leaves some contamination at levels that have been determined to be safe for some but not all uses, or when the cleanup project includes passive or active engineering controls, or where there are restrictions on the future use of the property under a site management plan, DEC regulations now require the use of an environmental easement notifying successors in title of the existence of environmental controls or use restrictions.

This project is the first Brownfield project of the City to require a permanent environmental easement to DEC. The City's Department of Environmental Services/Division of Environmental Quality has reviewed this transaction and concurs with the granting of the permanent environmental easement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-325
(Int. No. 357)

Approving the Granting Of A Permanent Environmental Easement Over 399 Gregory Street

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

Section 1. The Council hereby approves the granting of a permanent environmental easement over City-owned premises at 399 Gregory Street to the New York State Department of Environmental Conservation.

Section 2. This ordinance shall take effect immediately

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-326
Re: Agreement - C&S Companies,
Center City Circulator Study

Transmitted herewith for your approval is legislation establishing \$75,000 as maximum compensation for an agreement with C&S Companies, 150 State Street, Rochester, for a study of center city transportation. Federal Highway Administration Planning funds (\$48,750) and Federal Transit Administration Metropolitan Planning Program funds (\$16,250), received through a grant from the Genesee Transportation Council, will be appropriated to fund the agreement. The remaining cost, \$10,000, will be funded from the 2005-06 Cash Capital allocation.

The Center City Circulator Feasibility Study will include a survey of center city workforce transportation practices and habits to determine the elasticity of parking demands and the thresholds at which other means of commuting become attractive to the downtown community. The Study will also investigate the feasibility of establishing a Center City Circulator transit service, which would connect underutilized parking sites and other transportation facilities with various downtown destinations.

Three firms responded to a published proposal request; C&S Companies, IBI Group and T.Y. Lin International. A Project Advisory Committee, consisting of City staff and representatives from Monroe County, Rochester-Genesee Regional Transportation Authority, Rochester Downtown Development Corporation and Genesee Transportation Council, reviewed and ranked the proposals. Based on their qualifications and approach to the project, C&S Companies was selected.

Consultant planning services will begin in fall 2009 with scheduled completion in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-109

Ordinance No. 2009-326
(Int. No. 358)

Establishing Maximum Compensation For A Professional Services Agreement For The Center City Circulator Study

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 C&S Companies for planning and consulting services for the Center City Circulator Study. Of said amount, \$48,750 is hereby appropriated from Federal Highway Administration Funds, \$16,250 is hereby

appropriated from Federal Transit Administration Funds, both of which are received through a grant from the Genesee Transportation Council, and \$10,000 shall be funded from the 2005-06 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 347 was voted out of Committee at the end of the Council Meeting, and appears on page 327 of the current Council Proceedings.

By Councilmember McFadden
September 8, 2009

To the Council:

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

Int. No. 348 - Authorizing Agreements For the 2009 Justice Assistance Grant Program

Int. No. 349 - Authorizing Agreements With Respect To Project IMPACT VI And Amending The 2009-10 Budget

Int. No. 350 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Mt. Hope Cemetery Study

Int. No. 351 - Authorizing An Agreement For The Young Mother's Parenthood Project

Int. No. 355 - Authorizing Agreements And Amending The 2009-10 Budget With Respect To COPS Grants

Int. No. 359 - Authorizing An Amendatory Agreement For Pre-K Transportation And Amending The 2009-10 Budget

Int. No. 360 - Authorizing An Agreement With Quad A For Kids And Amending The 2009-10 Budget

Respectfully submitted,
Adam C. McFadden (*Abstained on Int. No. 360*)
Dana K. Miller (*Abstained on Int. No. 359*)
Gladys Santiago
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-327
Re: Agreement - US Department of Justice, 2009 Justice Assistance Grant

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with the United States Department of Justice (USDOJ) for the application for, and receipt and use of a \$366,909 grant through the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) program.
2. Authorize agreements with the County of Monroe, and the Police Departments of the Towns of Greece and Irondequoit for the distribution and use of funds under this program.

This year for the first time, in addition to allocations to the City and Monroe County Probation Department, the grant includes allocations for Greece and Irondequoit Police Departments. The term of this grant is October 1, 2008 to September 30, 2012. As administrator for the grant, the City is allowed 10%, or \$36,691, to cover administrative costs. The remaining funds will be allocated among the City, the County and the two participating towns for police programs. After charging the 10% grant administrative expense, the grant allocations are as follows - Rochester Police Department: \$190,804 (includes the City of Rochester's \$154,113 program share and \$36,691 overall grant administrative cost); Monroe County Probation Department: \$154,113; Greece Police Department: \$11,542 and Irondequoit Police Department: \$10,452. No match is required for this grant.

The Police Department intends to use JAG funds to continue to underwrite the salary costs of a Crisis Counseling Coordinator position in the Police Department's Family and Victims Services Section. No budget amendment is needed as the funding was anticipated in the 2009-10 Budget appropriations. The previous Justice Assistance grant was approved on July 15, 2008 under Ordinance No. 2008-277.

The preliminary application for this grant was submitted in June 2009. Final award acceptance and drawdown of funds is contingent upon local legislative approval and development of the agreements with the partner agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-327
(Int. No. 348)

Authorizing Agreements For The 2009 Justice Assistance Grant Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Bureau of Justice Assistance, for funding under the 2009 Edward Byrne Memorial Justice Assistance Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the County of Monroe (\$154,113) and the Towns of Greece

(\$11,542) and Irondequoit (\$10,452) to fund County and Town Grant Programs.

Section 3. The agreements shall obligate the City to pay to the County and Towns an amount not to exceed \$176,107, and said amount, or so much thereof as may be received under the Grant Agreement authorized in Section 1 and designated for use by the County and Towns, is hereby appropriated from 2009 Edward Byrne Memorial Justice Assistance Grant Program Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-328
Re: Agreements and Budget Amendment -
Project IMPACT VI

Transmitted herewith for your approval is legislation related to the City share of the 2009-10 New York State Department of Criminal Justice Services (DCJS) funding for Project IMPACT VI. This legislation will:

1. Authorize an agreement with the New York State DCJS for receipt and use of \$502,671 of Project IMPACT VI funds;
2. Amend the 2009-10 Budget by a total of \$502,700 to reflect these funds, which are to be distributed as follows:

Police Department	\$463,800
Department of Recreation and Youth Services	\$36,900
Undistributed Expense	\$2,000
3. Establish \$40,000 as maximum compensation for an agreement with the Rochester Institute of Technology (RIT) for crime data analysis services. The cost of the agreement will be funded from the 2009-10 Budget of the Police Department.

A total of \$1,847,719 in IMPACT VI funds has been awarded to agencies in Monroe County for the period of July 1, 2009 through June 30, 2010. These funds support initiatives, coordinated among federal, state and local criminal justice agencies, to reduce violent crime in Rochester.

Using data driven strategies, IMPACT VI activities are overseen by a county-wide taskforce to prevent gang violence, gun carrying and open air drug markets, and to provide enhanced prosecution.

The Police Department will use its portion of funding for overtime details, crime analysis services, expansion of the Shotspotter gunfire detection

system, and equipment. The DRYS portion will support Youth Intervention Specialists in the Pathways to Peace program, and for related training and support costs. No match is required for this grant.

This year, the Monroe Crime Analysis Center (MCAC) will receive its own subaward through RIT for Crime Research analysis. The City's contract with MCAC will be reduced accordingly.

This is the sixth round of funding received under this program. The agreement for the fifth round was authorized by Ord. No. 2008-313. As of June 30, 2009, IMPACT V had recorded over 50 overtime details resulting in over 900 violation arrests, 1500 misdemeanor arrests, and 500 felony arrests. Additionally, 125 illegal guns were seized and 70 warrant arrests were made.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-328
(Int. No. 349)

Authorizing Agreements With Respect To Project IMPACT VI And Amending The 2009-10 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for Project IMPACT VI.

Section 2. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for crime data analysis services for Project IMPACT V. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$463,800, to the Department of Recreation and Youth Services by the sum of \$36,900, and to undistributed Expense by the sum of \$2,000, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-329
Re: Amendatory Agreement - Wendell
Duchscherer Architects & Engineers

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Wendell Duchscherer Architects & Engineers, for services related to a Cultural Landscape report and tree management plan for Mount Hope Cemetery. The original agreement, authorized by Ordinance No. 2008-233, established maximum compensation of \$92,810. This amendment will provide an additional \$3,000, for a total of \$95,810. The additional cost will be financed from the 2008-09 Budget of the Department of Recreation and Youth Services.

This funding request is necessitated by unanticipated additional time and work required to meet the purpose of the project, including the inventory of 391 trees in addition to the 1,800 originally anticipated, and to satisfy requests from the Friends of Mount Hope and the Rochester Cemetery Heritage Foundation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-329
(Int. No. 350)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Mt. Hope Cemetery Study

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

Section 1. The sum of \$3,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Wendell Duchscherer Architects & Engineers for a Cultural Landscape Report and Tree Inventory of Mt. Hope Cemetery. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-330
Re: Agreement and CDBG Appropriation -
Young Mothers Parenthood Project

Transmitted herewith for your approval is legislation establishing \$36,000 as maximum compensation for an agreement with the YWCA of Rochester & Monroe County for the Young Mothers Parenthood Project, and appropriating this amount from the General Community Needs allocation of the 2009-10 Community Development Block Grant to fund the project.

The Young Mothers Parenthood Project provides support services and case management for pregnant and parenting teen students enrolled in John Mar-

shall High School. These efforts have been effective in preventing youth from dropping out of school, and from having a repeat pregnancy.

This is considered a project with matching funds, eligible for up to five years of funding, and will enter its fifth and final year of CDBG funding. Efforts are currently underway to develop sustainable funding for the program beyond the CDBG funding period.

The most recent agreement for these services was approved by Council in July 2008 in Ord. No. 2008-281.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-110

Ordinance No. 2009-330
(Int. No. 351)

Authorizing An Agreement For The Young Mother's Parenthood 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 YWCA of Rochester and Monroe County for the Young Mother's Parenthood Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$36,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-331
Re: Agreements, US Department of Justice, COPS Grant Awards - 2009-10 Budget Amendment

Transmitted herewith for your approval is legislation:

- 1) Authorizing agreements with the US Department of Justice, Office of Community Oriented Policing Services (COPS) for acceptance of the following grants:

- a) \$5,831,550 through the competitive COPS Hiring Recovery Program (CHRP); and

- b) \$675,000 under the 2009 COPS Methamphetamine Initiative.

- 2) Amending the 2009-10 Budget of the Police Department by \$755,000 and Undistributed by \$379,000, reflecting the additional revenue and expenses associated with the CHRP grant. The remaining grant funds will be included in the future budgets of the Police Department and Undistributed. Budget amendments related to the COPS Methamphetamine Initiative will be requested at a later date.

CHRP

CHRP is a competitive grant program that provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. The City's initial proposal was to fund the salary and benefits of 30 police officers that were due to be laid off in 2009-10 as a result of the projected \$35.1 million shortfall in the City's 2009-10 budget. With the uncertainty surrounding the approval of the grant application, the 2009-10 budget reflected postponement of the August, 2009 police officer recruit class of 15 personnel as well as the proposed layoff of 15 police officers effective October 1, 2009.

On July 28, 2009, the COPS CHRP office announced the approval of the City's full requested grant amount of \$5,831,550, the largest grant award received in New York State. This award will prevent the layoff of 15 police officers on October 1, 2009 and will allow for the postponed recruit class to begin in February, 2010. The decision to postpone the summer recruit class requires revision of the City's original grant application and will require approval by the COPS CHRP office. Strict reporting is an essential component of this grant. This is the first time the City has been awarded this one-time only "Recovery" grant. The CHRP grant term is October 1, 2009 through September 30, 2012. The local match is in the form of maintaining the total number of sworn police positions at the same level as was present at the time of the grant application in April, 2009 for at least 12 months following the expiration of the grant period. That level was 789 sworn police positions.

COPS Methamphetamine Initiative

The award of \$675,000 is from federal funding earmarked for State and local law enforcement programs to target drug "hot spots" and is to be used locally for intensifying police patrols, improving the tracking of narcotics shipments, providing technical support, and enhancing local crime prevention programs for at-risk youth. The award is being made available through the efforts of Rep. Louise Slaughter. The term of the grant is March 11, 2009 to March 10, 2012. This is a new grant program and no match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-331
(Int. No. 355)

Authorizing Agreements And Amending The 2009-10 Budget With Respect To COPS Grants

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 United States Department of Justice, Office of Community Oriented Policing Services (COPS), for funding for police services under the COPS Hiring Recovery Program (CHRP) and the 2009 COPS Methamphetamine Initiative.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$755,000, and to Undistributed Expense by the sum of \$379,000, which amounts are hereby appropriated from funds to be received under the CHRP grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-332
Re: Budget Amendment and Amendatory Agreement - Rochester Area Community Foundation, Pre-K Transportation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Area Community Foundation (RACF) to support transportation of City children to pre-kindergarten programs; and amending the 2009-10 Budget by transferring \$30,000 from Contingency to the Department of Recreation and Youth Services.

The original agreement for \$10,000 was authorized by Ord. No. 2007-390, and amended by Ord. No. 2008-246 to increase compensation by \$8,000. This amendment will increase compensation by \$30,000, to a maximum total of \$48,000. The additional cost will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The amendatory agreement with RACF will secure coordination of transportation services for children

attending the Rochester City School District's Pre-Kindergarten programs. Rochester Childfirst Network and Community Place will provide the actual transportation. The City's financial support will be matched with funding from the Rochester City School District.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-332
(Int. No. 359)

Authorizing An Amendatory Agreement For Pre-K Transportation And Amending The 2009-10 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for the transportation of City children to Pre-K educational programs.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

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

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Miller abstained on Int. No. 359 because he is employed by an agency that receives funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-333
Re: Quad A

Transmitted herewith for your approval is legislation amending the 2009-10 Budget of the Department of Recreation and Youth Services by transferring \$50,000 from the Contingency Budget to DRYS. This legislation will authorize \$50,000 as

maximum compensation for an agreement with Quad A for Kids, for two after- school programs.

Quad A's After-School Tutoring Program offers supplemental education to Rochester City schools #4 and #34 children by utilizing paraprofessionals and community volunteers to provide students with one-on-one tutoring, fun activities and daily hot meals. The main purpose of the program is to provide academic assistance, physical exercise and a safe environment for play. The program is an extension of school-based programs in the public school attended by the participating children.

Many of the 260 children may have learning disabilities and delayed development. Demographics for the 2009 year were 125 students at school #34 and 100 students at school #4. At School #34, 82% were non-white, and the male to female ratio was 52/48, with 93% qualified for free or reduced lunches. School # 4 had 96% non-white, the male female ratio was 50/50, and 95% qualified for free or reduced price lunches.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-333
(Int. No. 360)

Authorizing An Agreement With Quad A For Kids And Amending The 2009-10 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Quad A For Kids for after school programs at Schools No. 4 and 34.

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, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

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

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember McFadden abstained on Int. No. 360 because he is Executive Director of Quad A.

Councilmember Miller moved to discharge Int. No. 347 from the Economic Development & the Environment Committee.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-334
Re: Amendatory Agreement - Midtown
Relocation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with R. K. Hite & Co., Inc. and Flaum Management, Inc. to provide additional services related to relocation planning and advisory services for Midtown tenants. The legislation will extend the term of the agreement by an additional 12 months to December 30, 2010 and increase the compensation by \$25,000 to a maximum total of \$323,100. This additional cost will be funded from 2008-09 Cash Capital.

The original agreement with R.K. Hite & Co., Inc. and Flaum Management, Inc. (per Ordinance No. 2007-481) established \$255,100 as maximum compensation for relocation services for the 50 tenants of Midtown Plaza. An amendatory agreement (per Ordinance No. 2009-54) established an additional \$43,000 as maximum compensation for the continuation of these services by R.K. Hite. The consultants have successfully assisted 46 tenants in either relocating or receiving a fixed payment in-lieu of moving and reestablishment assistance. Due to the complexity of many of the business relocations (i.e. Trailways and Clear Channel) and the need for strict compliance with federal relocation guidelines, additional funds are required for payment of past services rendered and to both complete the relocation of Trailways, the remaining tenant, and to finalize the claims for four relocated tenants.

The following summarizes progress to date on relocation advisory services for Midtown tenants:

Tenants declining benefits	1
Tenants vacated prior to eligibility	2
Tenants with processed claims	42
Tenants with claims being finalized	4
Tenants with claims to be prepared	1

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-334
(Int. No. 347)

**Establishing Maximum Compensation For
Amendatory Professional Services Agreement
For Midtown Plaza**

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

Section 1. The sum of \$25,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for an amendatory
professional services agreement between the City
and Flaum Management, Inc. and R.K. Hite & Co.,
Inc. for relocation planning and advisory services
for Midtown Plaza tenants as a part of the Midtown
Plaza Revitalization Project through December 30,
2010. Said amount shall be funded from the 2008-
09 Cash Capital allocation.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

The meeting was adjourned at 8:35 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
OCTOBER 13, 2009**

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Fire Department
*Gary J. Isaacs

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Palumbo

RESOLVED, that the minutes of the Regular
Meeting of September 8, 2009 be approved as
published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFI-
CERS AND OTHERS.

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

The Mayor submits the following:
Administrative Cancellation or Refund of
Erroneous Taxes and Charges 3991-09
Quarterly Reports 3992-09
Professional Services Agreements
Delinquent Receivables

PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Authorizing An Amendatory 2009-10 Commu-
nity Development Program Plan And Appropriat-
ing Funds For Demolition And The ED Financial
Assistance Loan And Grant Program Int. No.
378 No speakers.

Authorizing Amendatory 2003-04, 2004-05,
2005-06 And 2006-07 Community Development
Program Plans And Amending Ordinances For
The Job Creation/Youth Development Program
Int. No. 391 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Conklin
October 13, 2009

To the Council:

The Finance Committee recommends for adoption
the following entitled legislation:

Int. No. 368 - Cancellation Of Taxes And
Charges

Int. No. 369 - Designating The City As A Re-
covery Zone

Int. No. 370 - Authorizing Extension Of An
Agreement For The Workforce Investment Board

Int. No. 371 - Amending The Municipal Code
With Respect To Parking Rates At The Mortimer
Street Garage

Int. No. 372 - Establishing Maximum Compens-
ation For An Amendatory Professional Services
Agreement For Web Development Services

Int. No. 373 - Resolution Approving An Ap-
pointment To The Rochester Public Library Board
Of Trustees

Int. No. 395 - Establishing Maximum Compens-
ation For A Professional Services Agreement For
Risk Reduction Services, As Amended

Respectfully submitted,

Carolee A. Conklin
 Carla M. Palumbo
 Lovely A. Warren
 Gladys Santiago
 FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2009-335
 Re: Cancellation or Refund of Erroneous
 Taxes and Charges

Transmitted herewith for your approval is legisla-
 tion approving the cancellation or refund of taxes
 and charges totaling \$265,867.64.

Thirty-five properties were taken by the City in a
 Tax Foreclosure action on April 3, 2009. Reha-
 bilitation charges, code violation charges, delin-
 quent water and refuse charges attributed to the
 former owners of these properties were added to
 the tax receivable file prior to the time when own-
 ership to the City was recorded on the Assessment
 File.

If this cancellation is approved, total cancellations
 thus far for 2009-10 will be \$ 280,003.09.

	<u>Accounts</u>	<u>Amounts</u>
City Council	36	\$270,094.35
Administrative	30	9,908.74
Total	66	\$280,003.09

These cancellations represent .122% of the taxes
 receivable as of July 1, 2009.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AI-111

Ordinance No. 2009-335
 (Int. No. 368)

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) Cancellation of Rehabilitation Charges,
 Code Violation Charges, Delinquent Water
 and Refuse Charges attributable to former
 owners of properties taken by the City in
 foreclosure on April 3, 2009. The charges
 were added to the 2009-10 taxes prior to
 the time when ownership to the City was
 recorded on the Assessment File.

<u>Property Address</u>	<u>SBL Number</u>	<u>Total</u>
846 North St	106.41-3-74	\$ 11,859.00
76 Bartlett St	120.68-2-37	6,784.00

410 Champlain St	120.59-2-49	1,209.00
72 Jefferson Av	120.36-1-77	1,726.08
99 Copeland St	107.45-1-29	1,535.84
24 Reed Pk	106.41-2-38.2	26,239.00
30 Reed Pk	106.41-2-35	21,306.49
78 Rauber St	106.69-2-52	27,027.00
56 Hoeltzer St	106.39-1-49.1	17,199.00
12 Princeton St	106.38-2-86	27,503.00
121 Alphonse St	106.33-1-74	1,614.15
39-41 Watkin Ter	106.33-3-41	3,901.00
15 Dudley St	106.33-1-47	8,903.00
240 Clifford Av	106.30-4-69	4,483.00
9 Carl St	106.30-2-5	1,505.00
72 Conkey Av	106.29-3-2	8,900.00
26 St. Jacob St	106.25-2-36	7,209.50
127 Berlin St	106.24-1-28.1	1,200.00
85 Grape St	105.83-2-29	1,063.79
69 Pardee St	91.79-4-15	1,450.08
134 Emerson St	105.43-1-43	3,962.73
17 Fulton Av	105.60-1-31	15,014.15
11 Fulton Av	105.60-1-34	1,463.00
12 Calihan Pk	105.65-2-19	1,309.00
23 Angle St	105.66-1-15	9,911.00
28 Angle St	105.66-2-44	2,263.00
676 Ave D	91.80-1-72.1	2,907.00
21 Ludwig Pk	91.80-1-68	6,362.44
20 Ludwig Pk	91.80-1-62	1,747.48
22 Ludwig Pk	91.80-1-61	10,663.37
9 Herbert St	91.80-1-32	5,907.00
592-594 Conkey Av	91.69-2-3	2,101.00
33 St. Stanislaus St	91.65-3-39	12,330.46
36 Beach St	91.61-3-19	6,134.02
469-471 Pullman Av	90.41-1-12	<u>1,174.06</u> \$265,867.64

Section 2. This ordinance shall take effect
 immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2009-336
 Re: ARRA Recovery Zone Designation

Transmitted herewith for your approval is legisla-
 tion authorizing the designation of the City of
 Rochester as a Recovery Zone under the American
 Recovery and Reinvestment Act of 2009 (ARRA).
 Rochester's eligibility for designation as a Recov-
 ery Zone falls into the category defined as being
 affected by significant poverty, its unemployment
 and home foreclosure rates, or general distress.

Such designation will allow the City to issue Re-
 covery Zone Economic Development Bonds
 (RZEDB's) in an amount up to \$1,833,000. These
 taxable bonds are entitled to a direct federal sub-
 sidy of 45% interest.

In general, RZEDB's may be used to finance
 certain qualified economic development purposes
 within a Recovery Zone, including: capital ex-
 penditures paid or incurred with respect to prop-
 erty located in the recovery zone; expenditures for

public infrastructure and construction of public facilities; and expenditures for job training and educational programs.

Although taxable municipal bonds are typically issued at higher interest rates than tax-exempt municipal bonds, the 45% interest subsidy, under current market conditions, results in a net interest rate that is less than the tax-exempt bonds.

This legislation will not affect the City's Debt Authorization Limit. The City is considering the use of the RZEDB allocation for a conversion of the outstanding Bond Anticipation Notes that mature in February 2010. The pricing of these bonds is anticipated to occur in December 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-336
(Int. No. 369)

Designating The City As A Recovery Zone

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") authorizes the City to issue recovery zone economic development bonds in an amount up to \$1,833,000 pursuant to a suballocation of the national volume cap for Recovery Zone Bonds provided by the Federal Treasury Department; and

WHEREAS, recovery zone economic development bonds are entitled to a direct federal subsidy of 45% of the interest thereon; and

WHEREAS, the City is required to designate a recovery zone prior to issuing such bonds; and

WHEREAS, any such bonds must be for expenditures for property located within the recovery zone or otherwise promote economic activity therein; and

WHEREAS, the term "recovery zone" is defined to mean (1) any area designated by the City as having significant poverty, unemployment, rate of home foreclosures or general distress; (2) any area designated by the City as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of February 17, 2009; and

WHEREAS, the Council desires to designate the City of Rochester as a recovery zone under the ARRA.

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

Section 1. The City of Rochester is hereby designated as a recovery zone for purposes of the ARRA as a result of significant poverty, unemployment, home foreclosure rates and general

distress, as the current recession has had and continues to have a significant adverse impact on the City as a whole.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-337
Re: Inter-Municipal Agreement - Monroe
County, Workforce Investment
Board

Transmitted herewith for your approval is legislation authorizing a five-year inter-municipal agreement with the County of Monroe for the continuation of the Monroe County/Rochester Workforce Investment Board (WIB). The current agreement expires December 31, 2009.

The Rochester/Monroe County WIB is the governing body of the local workforce investment area created by New York State as one of the provisions of the US Workforce Investment Act of 1998; the local WIB and workforce system operates and is monitored in accordance with guidelines established by the New York State Department of Labor. The WIB has been in operation since 2000, at which time agreements for various programs were approved by City Council (Ordinance No. 2000-190 and Ordinance No. 2000-191). The primary responsibilities of the WIB, which is administered locally by RochesterWorks (Peter Pecor, Executive Director), include:

- Oversee the investment of federal and state funding for local workforce development
- Develop a strategic plan to be submitted to the Governor of New York for approval
- Designate the one-stop operator(s)
- Certify eligible providers of youth, training, and intensive services
- Negotiate local performance measures
- Establish performance goals
- Evaluate and improve performance

There are 42 members of the board, the majority of whom must be business representatives. The remaining members include education, labor, community organizations, and economic development agency representatives. In addition, the Mayor and the County Executive serve as ex-officio members. A list of current members is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-112

Ordinance No. 2009-337
(Int. No. 370)

**Authorizing Extension Of An Agreement For
The Workforce Investment Board**

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

Section 1. The Mayor is hereby authorized to
enter into an extension of five years of the inter-
municipal agreement with the County of Monroe
for the operation of the Monroe County/Rochester
Workforce Investment Board.

Section 2. The agreement extension shall con-
tain 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. 2009-338
Re: Amending the City Code - Parking
Rate, Mortimer Street Garage

Transmitted herewith for your approval is legisla-
tion amending the City Code to reduce the
monthly parking fee for the Mortimer Street Gar-
rage from \$78 to \$50, and for the adjacent surface
lot from \$58 to \$50.

These reductions will bring rates in line with the
parking market in the immediate vicinity, thereby
enhancing the competitiveness of the garage.
Rates at private surface lots in the area and at the
St. Joseph's Garage range from \$55 to \$75 per
month.

The Mortimer Street Garage was re-opened in
September 2008 with the expectation that it would
attract parkers displaced by the closing of the
Midtown Garage. However, the 700 spaces avail-
able (600 in the garage and 100 in the surface lot)
never attracted more than 250 users, and is cur-
rently down to fewer than 110.

AllPro Parking LLC operates the Mortimer Street
Garage through a management fee agreement.
The City pays AllPro \$600 per month to operate
the garage; any revenue after expenses is returned
to the City. However, with the low occupancy,
expenses have exceeded revenue and the City has
been reimbursing the operator for the losses. The
lower rates are intended to increase use of the
garage and lot, thereby reducing the cost to the
City.

The new rate structure would become effective on
November 1, 2009.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2009-338
(Int. No. 371)

**Amending The Municipal Code With Re-
spect To Parking Rates At The Mortimer Street
Garage**

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

Section 1. Section 111-119 of the Municipal
Code, establishing the fees for use of parking
garages, as amended, is hereby further amended by
amending subsection A(6)(f) to read in its entirety
as follows:

(f) Mortimer Street Garage: \$50 for parking in
the garage and in the surface lot.

Section 2. This ordinance shall take effect on
November 1, 2009.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-339
Re: Amendatory Agreement - NimbleUser
(formally VanDamme Associates),
Web Site Revitalization Project

Transmitted herewith for your approval is legisla-
tion authorizing an amendatory agreement with
NimbleUser (formally VanDamme Associates),
Pittsford, NY, for additional services related to the
Web Site Revitalization Project. This amendment
will extend the term of the agreement to December
31, 2010, and increase maximum compensation by
\$150,000. The additional cost will be funded from
the Cash Capital allocation of the 2009-10 Budget.

These additional services are required for comple-
tion of the next phase of the Web site project. The
first phase, now complete, moved all existing
content into a new Web design and included sev-
eral updates and enhancements. This next phase
will implement several improvements. Currently
under consideration are:

- Coordination of all content related to the
City's real estate functions
- Enhancement of calendar and search func-
tions
- Inclusion of opportunities for community
authored content

Final determination of improvements will be based
on City staff identification of needs, Web content
analytics, and customer feedback.

VanDamme Associates was contracted in August
2008 to design and build the City's new Web site.
The original agreement established \$150,000 as
maximum compensation; an amendment in April
2009 increased compensation by \$20,000 for
maintenance services. The current request will

bring total compensation for this agreement to a total of \$320,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-339
(Int. No. 372)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Web Development Services

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

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with NimbleUser for web development services for the City's Web Revitalization Project through December 31, 2010. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-15
Re: Appointment - Rochester Public Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the appointment of Katherine Baynes, 210 Dartmouth Street, Rochester 14607, to the Rochester Public Library Board of Trustees. Ms. Baynes will fill the position previously held by Robert Hursh. Her term will extend to December 31, 2014.

A copy of Ms. Baynes' resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-15
(Int. No. 373)

Resolution Approving An Appointment To The Rochester Public Library Board Of Trustees

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

Section 1. The Council hereby approves the appointment of Katherine Baynes, 210 Dartmouth Street, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2014. Ms. Baynes shall replace Robert Hursh.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-340
Re: Agreement - Bickmore Risk Services And Consulting, Employee Safety Programs Evaluation

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum annual compensation for a two-year agreement with Bickmore Risk Services and Consulting, Sacramento, CA. Their local operations center is located in Windsor, NY 13865. The cost of this agreement will be funded from the Undistributed allocation of the 2009-10 and 2010-11 Budgets. The agreement will provide for an annual flat fee of \$60,000 and an additional amount, up to a maximum of \$40,000, as a percentage of savings (10%), if any, captured as a result of the implementation of recommendations. Improvements in workplace safety are expected to reduce injuries and resulting claims.

Bickmore is an independent consulting firm that provides risk assessment services; they work exclusively with government entities to evaluate their frequency and severity of losses resulting from on-the-job injuries. The firm does not sell any related products such as workers compensation insurance, nor do they process claims.

Using a model tailored specifically for government agencies, their analysis will use national benchmarks and peer group data to identify and evaluate the effectiveness of the City's safety and risk control program. Upon completion of the evaluation, Bickmore will prepare a report of recommendations regarding the City's practices and programs, and provide assistance as necessary in developing a sustainable employee health and safety program that addresses the long-term needs of the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-340
(Int. No. 395, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Risk Reduction Services

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

Section 1. The sum of \$[60,000] 80,000, or so much thereof as may be necessary, is hereby established as the [annual] compensation to be paid for a professional services agreement between the City and Bickmore Risk Services and Consulting for workplace safety and risk reduction services

for a term of [two] one year[s]. [Bickmore may also be paid an additional amount not to exceed 10% of the savings, if any, captured as a result of implementation of the recommendations, not to exceed \$40,000 annually.] Said amount[s] shall be funded from the 2009-10 [and 2010-11] Budget[s] for Undistributed Expense[, contingent upon adoption of the latter budget].

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Warren
October 13, 2009

To the Council:

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

Int. No. 374 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2007-90. As Amended

Int. No. 376 - Approving A Loan Agreement For The F.I.G.H.T. Village Apartments Renovation Project

Int. No. 377 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The F.I.G.H.T. Village Apartments Renovation Project, As Amended

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

Int. No. 378 - Authorizing An Amendatory 2009-10 Community Development Program Plan And Appropriating Funds For Demolition And The ED Financial Assistance Loan And Grant Program

The following entitled legislation is being held in Committee:

Int. No. 375 - Accepting Donation Of Parcel For Street Purposes

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-341
Re: Sale of Real Estate

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

The first three properties were sold at the July 13, 2009 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

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

The first-year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,518.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-113

Ordinance No. 2009-341
(Int. No. 374, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2007-90

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

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Legal</u> <u>Use</u> <u>Purchaser</u>	<u>Price</u>
208 Avenue C 091.77-3-21	41x120	1 Family Brian Abramson	\$1,800
[75 Berlin St 106.24-1-20	32x107	1 Family Margaret Austin]	\$9,200
60 Laser St 091.72-4-67	34x105	2 Family Brian Abramson	\$4,700

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant

land for the sum of \$1.00:

Address	Lot Size	Square Feet
S.B.L.#	Purchaser	
242 Remington St	29x198	5742
091.79-4-74	Walter Moorehead	
18 Second St	38x120	4560
106.59-2-75	Kim Pacheco	

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. Ordinance No. 2007-90, relating to an exchange of land with Rochester Midland Corporation, is hereby amended by amending Section 1 thereof to read in its entirety as follows:

Section 1. The Council hereby approves an exchange with Rochester Midland Corporation whereby the City will exchange a fee interest in a portion of the City owned railroad parcel at 375 Hollenbeck Street, SBL #91.62-1-79.1, for an easement over parcels owned by Rochester Midland Corporation at 530 Conkey Avenue, SBL #91.69-2-14, and a portion of 271 Norton Street, SBL #91.69-2-24.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-342 and
Ordinance No. 2009-343
Re: F.I.G.H.T Village Apartments

Transmitted herewith for your approval is legislation related to the F.I.G.H.T Village Apartments renovation project being undertaken by Conifer Realty, LLC. This legislation will:

1. Authorize an agreement for a \$500,000 construction loan with Conifer Realty, LLC or its subsidiary and/or a Housing Development Fund Company (HDFC) to be formed by Conifer;
2. Appropriate a total of \$500,000 from the Rental Housing Fund of 2009-10 HOME Program to fund the loan;
3. Authorize property tax exemptions and a payment in-lieu of taxes (PILOT) agreement with Conifer Realty, LLC and/or a HDFC to be formed by Conifer, equal to 7% of shelter rents in years 1-3, 8% of shelter rents in

years 4-6, 9% of shelter rents in years 7-9 and 10% of shelter rents in years 10-30; and

4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project.

The project, at 428 and 508-560 North Clinton Avenue in the Upper Falls neighborhood, is situated on approximately 14 acres, in 22 two-story garden style apartment buildings and townhouses containing 246 units. Conifer Realty, LLC assumed management of the property in February 2008, and will rehabilitate and preserve F.I.G.H.T Village Apartments as affordable housing for an additional 30 years. The rehabilitation will improve the visual aesthetics in the area, improve management and security, and enhance the quality of life of the residents.

Interior renovations to each of the 246 units will include: new kitchen, bathroom, and appliances; replacement flooring and interior doors; new paint; energy efficient light fixtures; and attic and wall insulation. On the exterior, the brick will be pointed and new vinyl siding will be installed. Extensive landscaping will be done to provide a more residential neighborhood atmosphere.

The existing community center will be gutted and expanded from 3,000 to 6,000 square feet. It will be furnished with a new computer and fitness center, and will house the rental offices for the complex. Lastly, a new maintenance building will be constructed to house equipment.

To enhance security, the following improvements are included in the project: installation of security cameras to allow 24-hour monitoring; additional exterior site lighting; reconstruction of parking lots; landscaping; and better coordination with the Rochester Police Department.

The total development cost is \$22,517,733. Project financing will be provided by a combination of NYS Housing Finance Agency (HFA) tax exempt bond financing, 4% Low Income Housing Tax Credits, and NYS HFA subsidy funds. The budget for the project is as follows:

Costs:	
Land cost	\$ 5,800,000
Residential hard costs	10,258,253
Professional fees	867,040
Financing, fees, permits	4,990,032
Reserves and escrows	<u>602,408</u>
Total	\$22,517,733

Sources:	
236 Loan	\$ 1,235,000
Tax exempt bond	7,000,000
NYS HFA	4,600,000
City of Rochester	500,000
Interim income	765,000
NYSERDA	332,100
Federal tax credit equity	6,912,757
GP Equity	<u>1,172,876</u>
Total	\$22,517,733

The City loan will help finance the renovation project with a term of 30 years, and annual interest-only payments of 1%, with principal due on maturity. The PILOT agreement would provide a 30-year tax exemption in consideration of an annual in-lieu of tax payment as outlined above.

The project is anticipated to start construction before the end of 2009 with a planned fourteen-month construction period.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-342
(Int. No. 376)

Approving A Loan Agreement For The F.I.G.H.T. Village Apartments Renovation Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Conifer Realty, LLC or an affiliated partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the reconstruction of rental units as a part of the F.I.G.H.T. Village Apartments Renovation Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30-year loan with interest at the rate of 1%, payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 HOME Program Funds.

Section 3. The Mayor is further authorized to enter into such agreements as may be necessary to implement the F.I.G.H.T. Village Apartments Renovation Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-343
(Int. No. 377, As Amended)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For

The F.I.G.H.T. Village Apartments Renovation Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the properties at 428 North Clinton Avenue, SBL No. 106.550-1-21, and 508-560 North Clinton Avenue, SBL No. 106.550-1-19, to be owned by Conifer Realty, LLC or an affiliated partnership or housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the F.I.G.H.T. Village Apartments Renovation Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with Conifer Realty, LLC or an affiliated partnership or housing development fund company formed for the purpose of developing the project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 7% of its annual "shelter rent" in years 1-3, 8% in years 4-6, 9% in years 7-9, [and] 10% in years 10-[30] ~~20 and 12% in years 21-30.~~ "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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-344
Re: Amending the 2009-10 Consolidated Community Development Plan - Economic Development, Demolition, And FIS

Transmitted herewith for your approval is legislation amending the 2009-10 Consolidated Community Development Plan to provide funding for various economic development, demolition and Focused Investment Strategy programs. Specifically, this legislation will:

- 1. Amend the 2009-10 Consolidated Community Development Plan to transfer and appropriate a total of \$1,000,000 as follows:

<u>Amount</u>	<u>Transfer from</u>	<u>Transfer to</u>
\$400,000	Neighborhood and Asset-Based Planning Fund	Demolition Fund (new account)
\$600,000	Neighborhood and Asset-Based Planning Fund	ED Financial Assistance Loan and Grant Program

2. Amend the 2009-10 Consolidated Community Development Plan to include the Midtown Retention Grant Program as an economic development program funded by the ED Financial Assistance Loan and Grant Program; and
3. Authorize agreements necessary to implement the programs.

These CDBG funds had previously been identified for FIS programs. However, the FIS programs can be accomplished through funding from Cash Capital, thereby gaining greater flexibility and increasing the City's ability to fund low- and moderate-income housing development. Since both the \$400,000 for demolition and the \$600,000 for FIS programs are available in Cash Capital, this "swap" in funds will not affect the amounts available for demolition or FIS programs.

The re-appropriation of the \$600,000 of CDBG funds for economic development programs, and the addition of the Midtown Retention Grant Program, will allow support for the relocation of the Trailways terminal.

A public hearing on amending the 2009-10 Consolidated Community Development Plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-344
(Int. No. 378)

Authorizing An Amendatory 2009-10 Community Development Program Plan And Appropriating Funds For Demolition And The ED Financial Assistance Loan And Grant Program

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

Section 1. The Council hereby approves amendments to the 2009-10 Community Development Program Plan whereby the sum of \$400,000 shall be transferred from the Neighborhood and Asset Based Planning Fund of the Improving the Housing Stock and General Property Conditions allocation to a new Demolition Account in the same allocation, and the sum of \$600,000 shall be transferred from the Neighbor-

hood and Asset Based Planning Fund of the Improving the Housing Stock and General Property Conditions allocation to the Midtown Retention Grant Program, which will be a new use in the ED Financial Assistance Loan and Grant Program Account of the Promoting Economic Stability allocation.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$400,000, or so much thereof as may be necessary, to fund the Demolition Program.

Section 3. There is hereby appropriated from the Promoting Economic Stability allocation of the 2009-10 Community Development Program the sum of \$600,000, or so much thereof as may be necessary, to fund the Midtown Retention Grant Program within the ED Financial Assistance Loan and Grant Program.

Section 4. The Mayor or his designee is hereby authorized to enter into such agreements as may be necessary to implement the Programs. The agreements shall contain such additional terms and conditions as the Mayor or his designee deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Warren moved to discharge Int. No. 318 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaull, Warren - 9.

Nays - None - 0.

Introductory No. 318 was introduced August 11, 2009 and appears in its original form with its transmittal letter on page 284 of the current Council Proceedings.

Attachment No. AI-114

Ordinance No. 2009-345
(Int. No. 318)

Amending The Official Map By Abandonment Of A Portion Of School Alley From Broad Street To Its South End

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 375
Re: Acquisition of Property -
139 Comfort Street

Transmitted herewith for your approval is legislation authorizing the acquisition of property donated by the Association for the Blind and Visually Impaired-Goodwill Industries of Greater Rochester, Inc. The property is a vacant lot comprising approximately .19 acres located at 139 Comfort Street.

The acquisition of this property will allow the City to develop the parcel as right-of-way which will provide improved access for emergency vehicles and refuse trucks servicing properties on Cecil Alley.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 375

**ACCEPTING DONATION OF PARCEL
FOR STREET PURPOSES**

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 a portion of 139 Comfort Street, SBL No. 121-480-1-26, comprising approximately .19 acres, from the Association for the Blind and Visually Impaired-Goodwill Industries of Greater Rochester, Inc. to be used for street purposes.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Lightfoot
October 13, 2009

To the Council:

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

Int. No. 379 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 380 - Authorizing Grant Applications And Agreements For Local Waterfront Revitalization Projects

Int. No. 396 - Authorizing Grant Applications And Agreements For Water Quality Improvement Projects

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-346
Re: Agreement - NYS Snow and Ice
Removal Services

Transmitted herewith for your approval is legislation authorizing a one-year extension of an existing agreement with the New York State Department of Transportation (NYSDOT) for the provision by the City of snow and ice removal services on the following State highways:

1. Lake Avenue, from Lyell Avenue to West Ridge Road; and
2. Plymouth Avenue, from Commercial Street to Troup Street.

The total length of these two streets is 2.7 miles. The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council in November 2008 (Ord. No. 2008-385). This legislation will extend the agreement to June 30, 2012, as required by the NYSDOT.

The State will reimburse the City \$54,071 for snow and ice removal performed during the 2009-10 winter season, which is \$542 more than the prior year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-346
(Int. No. 379)

**Authorizing An Agreement With The New
York State Department Of Transportation For
Snow Removal**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2012. The agreement shall obligate the State to reimburse the City for such services.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-347
Re: Agreement - New York State
Department of State, Local
Waterfront Revitalization Program
Environmental Protection Fund

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Department of State (NYS DOS) for applications for and receipt of grants through the Local Waterfront Revitalization Program Environmental Protection Fund (EPF).

The NYSDOS Division of Coastal Resources administers this grant program to help finance projects that advance implementation of the Local Waterfront Revitalization Program (LWRP). The program provides up to 50% of the total cost of a project. This year, \$23 million in EPF funding is available statewide. The City has applied for funding for five priority projects, summarized below:

<u>Project</u>	<u>Total Cost</u>	<u>State Request</u>	<u>Local Match</u>
Port of Rochester			
<i>Public Marina - Phase I construction</i>			
\$4,354,000	\$1,100,000	\$3,254,000	
<i>Marina promenade and open space</i>			
\$4,103,000	\$885,000	\$3,218,000	
Turning Point Trailhead improvements	\$780,000	\$390,000	\$390,000
Rundel Library Infrastructure - Phase II	\$2,793,300	\$1,396,650	\$1,396,650
West River Wall Reconstruction - planning and design	\$402,000	\$201,000	\$201,000

Port of Rochester Public Marina Phase I Construction

This project, the construction of an eighty-slip public marina facility, will include both seasonal and transient slips and will be integrated with the existing port terminal facilities. The grant funds will support the construction of breakwaters and wave attenuating structures, entrance scour protection, marina wall sheet piling and stone revetment, gangways and security gates, floating docks, pilings, and dock utilities. The marina is a component of the City's Local Waterfront Revitalization Program for the Port of Rochester and is intended to stimulate waterfront recreation, increase public access, spur new housing and generate economic growth.

Port of Rochester Marina Promenade and Public Spaces

This project includes a new 1,900 foot public waterfront promenade, public spaces and green areas, and new boater facilities and rest areas associated with the marina development. The grant will help finance the construction of the promenade/boardwalk, public green spaces, the

boater services building, promenade lighting, benches and signage. The project is being designed as an integral land-side feature to the City's new public marina basin and will be linked to the Genesee River Trail system, the Port Terminal building, Ontario Beach Park, and the Charlotte pier.

To offset a portion of the required local match for these two Port projects, the City has also submitted an application for \$2.8 million in funding from the federal Boater Infrastructure Grant program.

Turning Point Park Trailhead Parking Improvements

The expansion of the parking lot was authorized by Council in September 2009. This grant will allow for enhancements that will protect the Genesee River from parking lot runoffs. The new lot will include porous pavement, structured soils and a rain garden, and will serve as a model for the incorporation of green design for similar projects, both private and public.

Rundel Library Infrastructure Project - Phase II

The area surrounding the central downtown library will be converted into a dynamic urban park focusing on the Genesee River and historic Erie Canal. The first step in this process is to stop the corrosion and deterioration of the foundation and the structural supports for the plaza. Phase I of the project, completed in 2008, focused on the building's foundation. Phase II will focus on the structural supports of the plaza area. Once this is completed, the park can be established.

The West River Wall Project

The west wall of the Genesee River between Corn Hill Landing and the Ford Street Bridge is a flood control wall that is crumbling, obscures the river view, and is overgrown with vegetation. This roughly one-third mile stretch of riverfront is part of the New York State Canal System and the Genesee Riverway Trail. The funding request will support the costs of planning and design work related to the reconstruction of the wall.

State funding would provide an important catalyst for increasing the priority of these projects, and would maximize the effectiveness of the City's Capital Improvement Plan project funding. The City received \$905,000 in State funding during the 2007-08 grant cycle, and \$1,070,000 in 2008-09.

It is anticipated that City funding for the projects will be allocated through the Capital Improvement Planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-347
(Int. No. 380)

Authorizing Grant Applications And

Agreements For Local Waterfront Revitalization Projects

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

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Department of State for funding through the Local Waterfront Revitalization Program's Environmental Protection Fund for the Port of Rochester Public Marina Facilities Phase I Construction, Port of Rochester Marina Promenade and Public Spaces Construction, Turning Point Park Trailhead Improvements, Rundel Library Infrastructure Phase II, and West River Wall Reconstruction Planning and Design Projects.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-348
Re: Grant Application - New York State,
Water Quality Improvement Projects
Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Environmental Conservation (NYSDEC) for the application for and receipt of funding through the Water Quality Improvement Projects (WQIP) Program.

This is the tenth round of funding under the WQIP program, made available through the New York State Environmental Protection Fund. Historically, the City has been a supporting applicant as a member of the Monroe County Stormwater Coalition, with grant application and administration coordinated through the County Department of Environmental Services. This round provides a new funding category for municipal projects that will reduce wastewater to combined sewer overflows (CSOs). The City is eligible to receive funding for projects demonstrating environmental benefits from reduced runoff and improved water quality.

The CSO grant program provides up to 85% of the total cost of a project. The Department of Environmental Services is requesting funding for six priority projects, summarized below:

<u>Project</u>	<u>State Request</u>	<u>Local Match</u>
<u>Total Cost</u>		
City Hall "B" roof/parking lot	\$ 890,000	\$ 133,500

CVMF Building 200 roof replacement	500,000	425,000	75,000
Public Market paving/drainage	2,600,000	2,210,000	390,000
Cornerstone Park improvements	850,000	722,500	127,500
Emerson/Locust street drainage	300,000	255,000	45,000
Citywide sidewalk and landscaping	<u>320,000</u>	<u>272,000</u>	<u>48,000</u>
Total	\$5,460,000	\$4,641,000	\$819,000

City Hall "B" Building roof replacement and permeable parking lot

The 12,900 square-foot roof requires replacement; it is proposed that it be replaced with a "green" roof. A green roof typically consists of a thin layer of soil and a drainage layer applied directly to a roofing membrane, using plantings to cover the soil to prevent erosion, retain rainwater, and provide insulation and respirative cooling. The roof is scheduled for replacement in summer 2010; if the grant is awarded, interim repairs and waterproofing will be conducted while design of the roof's sustainable elements are underway. The project will also incorporate permeable asphalt segments in the adjacent parking lot, to control runoff of pollutants to surface waters and to protect groundwater supply.

Central Vehicle Maintenance Facility Building 200 roof replacement

This roof has exceeded its useful life and requires replacement. It is anticipated that the project will incorporate partial sustainable roof approaches for either the lower building roof (11,100 square feet) and higher roof (20,250 square feet), including but not limited to an extensive vegetative roof, reflective roof, stormwater runoff collection system and/or the use of recycled building materials.

The costs for both roofing projects includes design, construction and construction administration.

Public Market paving and drainage improvements

This project includes the restoration of the existing historic brick pavement to the core of the market using a permeable installation detail. Pavers will be salvaged from the site to restore the core market area. Additional stormwater management practices such as permeable pavement infiltration strips, bio-swales, and roof runoff capture and diversion will be implemented as feasible and appropriate. This project will also expand the recently completed Trinidad Street parking lot to the east of the Hebard Street ROW. The parking expansion will include the use of permeable pavements and bio-swales to mitigate stormwater impacts.

Cornerstone Park permeable paving and landscaping

This 13,000 square foot park is located at the corner of Stone and Broad Streets. The park infra-

structure is deteriorated and requires updating and restoration of the existing water fountain, new pavers and landscaping. Improvements to assist in stormwater runoff will include permeable pavers, bio-swale and additional landscaping. The updated park will serve adjacent businesses and provide additional public space for patrons of the Bausch & Lomb and Rundel Library facilities.

Emerson Street - Locust Street connector street

The new connector street planned for construction between Emerson and Locust Streets, approximately mid-block between Dewey and Fulton Avenues, will incorporate a rain garden, porous concrete sidewalks and permeable pavement.

City-wide sidewalks and landscaping

This project will allow for the selection of 50 sites throughout the city to be used as demonstrations of permeable sidewalks and tree plantings, which act to significantly reduce stormwater runoff.

Also, the City is endorsing the application by Monroe County for a WQIP submission to address non-point source pollution issues at Durand Eastman Park. The project will construct a three-acre dry detention basin to delay, reduce and filter the flow of stormwater from the Sherry Swamp watershed. This project will benefit the operations of Durand Eastman Beach through reduction of e-coli contamination from storm runoff, a major source of pollution to the near shore area of Lake Ontario. The project is incorporated as part of the Durand Eastman Park Beach Master Plan, with an estimated cost of \$580,000, including design, construction and construction administration. No City funds are required.

State funding would provide an important catalyst for increasing the priority of these projects, and would maximize the effectiveness of the City's Capital Improvement Plan project funding. The City share of funding for these projects will be met as follows: The roof replacement and street connector projects have been identified in previous Capital Improvement Plans; the sidewalk and landscaping will be addressed through in-kind services; and the Public Market project will be addressed through the CIP process.

These grants, if awarded, will further the City's contributions to reducing greenhouse gas emissions, saving energy and creating models of sustainable community action.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-348
(Int. No. 396)

Authorizing Grant Applications And Agreements For Water Quality Improvement Projects

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Department of Environmental Conservation for funding through the Water Quality Improvement Projects Program for the City Hall "B" Roof Replacement and Permeable Parking Lot Project, CVMF Building 200 Roof Replacement, Public Market Permeable Paving and Drainage Project, Cornerstone Park Permeable Pavers and Landscaping Project, Emerson/Locust Connector Street Drainage Applications Project and Citywide Porous Sidewalk and Landscaping Applications Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
October 13, 2009

To the Council:

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

Int. No. 392 - Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Cleanup Of 110-210 Colfax Street

Int. No. 393 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$81,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcel At 110-210 Colfax Street In The City

Int. No. 397 - Resolution Endorsing A Grant Application For Funding From The Upstate Regional Blueprint Fund

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-349 and
Ordinance No. 2009-350
Re: Agreement - Lu Engineers, 110-210
Colfax Street Brownfield Cleanup

Transmitted herewith for your approval is legislation establishing \$80,630 as maximum compensation for an agreement with Lu Engineers for the environmental cleanup of the brownfield property located at 110-210 Colfax Street; and authorizing the issuance of bonds totaling \$81,000 and the appropriation of the proceeds thereof to finance the cost of the agreement.

The City-owned site consists of one parcel totaling approximately 2.7 acres. The property has historically been used by the City's Forestry Division and as the Auto Pound Auction Lot. Several concerns regarding the site have previously been identified, including: onsite pesticide use and storage; on-site aboveground petroleum storage tanks; French drain and potential dry well; New York State Department of Environmental Conservation reported spills associated with the use and storage of petroleum at adjacent properties; the site is located within the footprint of the former Emerson Street Landfill; and low-level chlorinated volatile organic compounds in a groundwater monitoring well adjacent to the northern property line.

In September 2009, a request for proposals for cleanup of the site was issued to three local firms: DAY Engineers, Lu Engineers, and Passero Associates. Proposals were received from DAY and Lu. Lu Engineers is recommended based on the quality and scope of its proposal, cost, and its experience with hazardous materials and petroleum cleanup projects, City brownfield projects, and the project team.

Lu Engineers will implement a Corrective Action Plan to remove, transport and properly dispose of approximately 315 cubic yards (470 tons) of petroleum impacted soils, which will be disposed of at a regulated landfill. Excavations will be backfilled, and the Site will be restored to conditions equivalent to pre-source removal activities. The Site will continue to be used as the City Auto Pound Auction Lot until such time as a lease or purchase of the property is executed.

The cost of the agreement includes a 10% contingency amount (\$7,330) for unanticipated conditions and site restoration requirements.

This agreement will have an initial term of one year with provisions for a one-year renewal. Adjustment to the specific unit prices during the second year will be permitted subject to the City's approval. The cleanup fieldwork and Site restoration is anticipated to be completed by the spring of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-115

Ordinance No. 2009-349
(Int. No. 392)

Establishing Maximum Compensation For A

Professional Services Agreement For The Environmental Cleanup Of 110-210 Colfax Street

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

Section 1. The sum of \$80,630, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for environmental cleanup of the City-owned parcel at 110-210 Colfax Street. The agreement shall extend for a term of one year, with an option to renew for an additional year. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-350
(Int. No. 393)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$81,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcel At 110-210 Colfax Street In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances at the City-owned parcel at 110-210 Colfax Street in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$81,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$81,000 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 \$81,000 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 \$81,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-16
Re: Resolution Endorsing A Grant
Application For the Upstate
Regional Blueprint Fund

Transmitted herewith for your approval is legislation endorsing an application for the selected developer of the Midtown Tower to Empire State Development for a grant application for the Upstate Regional Blueprint Fund.

The City is reviewing two proposals submitted for the purchase and redevelopment of the Midtown Tower for residential, commercial and retail use. The selected developer will submit an application for up to \$4 million in grant funding for the project. Grant applications for round two of the Blueprint program must be submitted to Empire State Development by October 15, 2009. Applications under the Blueprint Program are evaluated on point-scoring basis. Additional points are awarded to applications that include letters of support from the local municipality.

It is anticipated that a developer for the Midtown Tower project will be selected by the October 15th deadline.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-16
(Int. No. 397)

Resolution Endorsing A Grant Application For Funding From The Upstate Regional Blueprint Fund

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

Section 1. The Council hereby endorses the application by the selected developer of the Midtown Tower to Empire State Development for funding through the Upstate Regional Blueprint Fund.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden
October 13, 2009

To the Council:

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

Int. No. 381 - Amending The 2009-10 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 382 - Authorizing An Agreement For A Traffic Safety Grant And Amending The 2009-10 Budget

Int. No. 383 - Authorizing An Agreement And Amending The 2009-10 Budget For The Rochester Re-Entry Program

Int. No. 384 - Establishing Maximum Compensation For A Professional Services Agreement For An After School Program Coordinator

Int. No. 385 - Establishing Maximum Compensation For A Professional Services Agreement For A Substance Abuse Program

Int. No. 386 - Authorizing Amendatory Agreements Relating To The Rochester After School Academy 4 Program, Amending Ordinance No. 2009-217 And The 2009-10 Budget

Int. No. 387 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 389 - Authorizing An Agreement For The City At Peace-Rochester Project

Int. No. 390 - Authorizing An Agreement And Amending The 2009-10 Budget For A Health Foundation Grant

Int. No. 394 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

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

Int. No. 391 - Authorizing Amendatory 2003-04, 2004-05, 2005-06 And 2006-07 Community Development Program Plans And Amending Ordinances For The Job Creation/Youth Development Program

The following entitled legislation is being held in Committee:

Int. No. 388 - Authorizing Agreements For The Hillside Work Scholarship Connection Program

Respectfully submitted,
Adam C. McFadden
Dana K. Miller

Elaine M. Spaul
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-351
Re: Appropriation of Forfeiture Funds
For the Greater Rochester Area
Narcotics Enforcement Team

Transmitted herewith for your approval is legislation appropriating \$75,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2009-10 Budget of the Police Department by its inclusion.

The appropriated funds will be used to support GRANET operations for the period July 1, 2009 through June 30, 2010. GRANET participates in joint investigations with the Greater Rochester Area Special Operations Group (GRASOG), which includes participants from federal and State as well as local law enforcement agencies. The mission of GRASOG is to achieve maximum coordination and cooperation, and bring to bear the combined resources of member agencies to investigate mid and upper level narcotics related offenses and illegal weapons offenses and aggressively to investigate career criminals in the Greater Rochester/Monroe County area, utilizing both State and Federal laws.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund after this transfer will be approximately \$12,000. This will be the first appropriation of GRANET's forfeiture funds during 2009-10.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-351
(Int. No. 381)

Amending The 2009-10 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. 2009-188, the 2009-10 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 \$75,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-352
Re: National Highway Traffic Safety Administration Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the National Highway Traffic Safety Administration for a grant award of \$60,000 under the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) program, and amending the 2009-10 Budget of the Police Department by \$60,000 to reflect receipt and use of the award.

Rochester has been selected by the National Highway Traffic Safety Administration as one of six sites nation-wide to pilot the DDACTS Project. This funding will allow for additional traffic patrols in two Police service areas in the city. The DDACTS program will use various traffic enforcement strategies to reduce criminal activity and traffic accidents in areas that currently experience high levels of each.

The program will be in effect through March 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-352
(Int. No. 382)

Authorizing An Agreement For A Traffic Safety Grant And Amending The 2009-10 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 High-

way Traffic Safety Administration for funding for police traffic patrols under the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) Program.

Section 2. Ordinance No. 2009-188, the 2009-10 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 \$60,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-353
Re: Rochester Re-entry Program

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the receipt and use of a \$60,000 grant to support City involvement in the District's Rochester Re-entry Program, and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

The funds will be used to support a one-year temporary position for a Pathways to Peace Youth Intervention Specialist who will work with a social worker from the District to ensure that high-risk youth have access to essential support services. Their work will focus on ensuring that Student Support Services within the high schools are linked to resources available through Pathways and the Office of Children and Family Services (OCFS).

The project's primary objectives are to:

- Assist OCFS and Monroe County Children's Detention Center (MCCDC) students returning to school as quickly as possible once they have been returned to the community;
- Provide students with the skills and support systems to facilitate the transition to the structured school system successfully; and
- Improve student attendance and academic performance to ensure that students will re-enter school, stay in school, and succeed in school.

The Pathways staff person will meet with and assist forty male students who are returning to City Schools from New York State OCFS, the State School at Industry and its voluntary placement

sites, or the MCCDC Center.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-353
(Int. No. 383)

**Authorizing An Agreement And Amending
The 2009-10 Budget For The Rochester Re-
Entry Program**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the Rochester City
School District for funding for the Rochester Re-
entry Program.

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

Section 3. Ordinance No. 2009-188, the 2009-
10 Budget of the City of Rochester, as amended, is
hereby further amended by increasing the revenue
estimates and appropriations to the Department of
Recreation and Youth Services by the sum of
\$60,000, which amount is hereby appropriated
from funds to be received under the agreement
authorized herein to fund the Rochester Re-entry
Program.

Section 4. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-354
Re: Agreement - Baden Street Settlement
of Rochester, Inc.

Transmitted herewith for your approval is legisla-
tion establishing \$33,987 as maximum compensa-
tion for an agreement with Baden Street Settle-
ment of Rochester, Inc. to provide a program
coordinator for a new after-school program at
Lake Riley Lodge. The cost of the agreement will
be funded from the 2009-10 Budget of the De-
partment of Recreation and Youth Services.

The After School in the Parks program is a revived
fee-for-service child care City offering. Several
years ago, similar service was offered at sites that
also offered drop-in recreation programming. The
County Office of Child and Family Services de-
termined that sharing these two uses were not
compatible, and the service was discontinued. The
new program will be piloted this year at Lake
Riley Lodge, with plans to expand services at
Norton Village, Genesee Valley Park Field House,
and Marketview Lodge.

After School in the Park at Lake Riley will provide

care from 3-6:30 pm, Monday-Friday, for 35 city
students between the ages of 6 and 13 at a cost of
\$65 per week. Participants will be served a snack
and a hot dinner from FoodLink, and will receive
homework help and a variety of social and recrea-
tional activities. Rochester City School District
students can be bused to the site via school district
transportation at the end of the school day.

The program will also offer child care during both
of the February and April school recess weeks
from 9 a.m. to 5 p.m. for \$125 per week.

The program coordinator will provide the follow-
ing services: program oversight, including coordi-
nation with FoodLink; day to day operation; con-
tact with parents; direct child care service cover-
age for staff absences; and delivery of the Healthy
Lifestyles curriculum being used by Metro Council
for Teen Potential of Baden Street to promote
fitness, nutrition and positive self-esteem.

The total budget for the pilot program to run from
mid-October through the end of the current school
year is \$91,000; anticipated revenue with full
capacity is \$85,560.

The term of this agreement will be October 19,
2009 to June 25, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-116

Ordinance No. 2009-354
(Int. No. 384)

**Establishing Maximum Compensation For A
Professional Services Agreement For An After
School Program Coordinator**

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

Section 1. The sum of \$33,987, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for a professional
services agreement between the City and Baden
Street Settlement of Rochester, Inc. for a coordina-
tor for the After School Program in the Park at
Lake Riley Lodge. Said amount shall be funded
from the 2009-10 Budget of the Department of
Recreation and Youth Services.

Section 2. This ordinance shall take effect
immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-355
Re: Agreement - Baden Street Settlement
Of Rochester, Inc./Metro Council
For Teen Potential, Substance
Abuse Prevention

Transmitted herewith for your approval is legislation establishing \$47,980 as maximum compensation for an agreement with the Baden Street Settlement of Rochester, Inc. to act as fiduciary for Metro Council for Teen Potential (MCTP) to provide services to reduce substance abuse among youth. The cost of this agreement will be financed from the 2009-10 Budget of the Department of Recreation and Youth Services. The funds were received through a grant from the Substance Abuse and Mental Health Services Administration of the US Department of Health and Human Services and included in the Budget.

MCTP is a resource center for inner-city youth and operates out of Baden Street Settlement. This is the fifth year of the five-year project. The overall goal of the project is to reduce substance abuse, especially alcohol and marijuana, among youth ages 11-18, through the efforts of a community-wide coalition.

MCTP will direct the project, coordinate the coalition of agencies (HEART) working on the program, and oversee needs assessment, analysis and evaluation. MCTP, in collaboration with City staff, will promote social marketing and work with parents and Rochester City School District teachers in substance abuse prevention.

The term of this agreement will be October 1, 2009 to September 29, 2010.

Program and budget descriptions are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-117

Ordinance No. 2009-355
(Int. No. 385)

Establishing Maximum Compensation For A Professional Services Agreement For A Substance Abuse Program

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

Section 1. The sum of \$47,980, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Baden Street Settlement of Rochester, Inc. as fiduciary for the Metro Council for Teen Potential, for the Substance Abuse Program. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-356
Re: Amendatory Agreements and Budget
Amendment - Rochester After School
Academy 4

Transmitted herewith for your approval is legislation authorizing amendatory agreements with three agencies providing programs and services related to the Rochester After School Academy 4 (RASA-4) Program; and amending the 2009-10 Budget of the Department of Recreation and Youth Services to include the \$44,100 realized from the adjustment of compensation to these agencies.

The New York State Department of Education, upon review of the RASA program, is requiring the following adjustments to these agreements that were originally authorized in June 2009 (Ord. No. 2009-217):

<u>Agency</u>	<u>Original Allocation</u>	<u>Amended Allocation</u>	<u>Change</u>
Coordinated Care Services, Inc	\$139,368	\$153,672	\$14,304
Puerto Rican Youth Development	140,770	128,041	- 12,729
Children's Institute	60,674	15,000	- 45,674
Total			\$44,099

The resulting balance will be used toward transportation costs for RASA students and to support part-time/seasonal staff for the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-356
(Int. No. 386)

Authorizing Amendatory Agreements Relating To The Rochester After School Academy 4 Program, Amending Ordinance No. 2009-217 And The 2009-10 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. for programs under the Rochester After School Academy 4 (RASA-4) Program.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$14,304, and said amount, or so much thereof as may be necessary, is hereby reappropriated from New York 21st Century Community Learning Centers Program funds reduced in Section 3.

Section 3. Ordinance No. 2009-217, relating to the RASA-4 Program, is hereby amended by reducing the amounts authorized and appropriated in Section 2 for the following programs and the Mayor is hereby authorized to enter into amenda-

tory agreements for said programs:

<u>Agency</u>	<u>School/Agency Partner</u>	<u>Reduction</u>
Puerto Rican Youth Development	Edison/School of Eng. & Mfg.	\$12,729
Children's Institute	RASA-4 Evaluator	45,674

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

Section 5. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$44,100, which amount is hereby reappropriated from New York 21st Century Community Learning Centers Program funds reduced in Section 3.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-357
Re: Agreement - Rochester Ice Hockey Officials

Transmitted herewith for your approval is legislation establishing \$13,000 as maximum compensation 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 Sports Arena. The cost of the agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The leagues run from October 2009 to May 2010. The leagues are fee-based, and revenue covers all associated costs.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-118

Ordinance No. 2009-357
(Int. No. 387)

Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$13,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Ice Hockey Officials, Inc. for continued provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-358
Re: Agreement - ArtPeace, Inc., City at Peace

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Art Peace, Inc. for the City at Peace-Rochester Project. The cost of the agreement will be funded from the Job Creation/Youth Development account of the General Community Needs allocation of the 2006-07 Community Development Block Grant.

City at Peace is a national program promoting cross-cultural communication, self-expression and conflict resolution through the performing arts. Working closely with the national program, City at Peace-Rochester will work with thirty City youth to create, for public performance, a high-quality, full-length musical production based on their lives and experiences. The program will also develop community action projects to address issues identified through the creation of the show.

City at Peace is considered a project with matching funds, and this will be their second year of funding. The most recent agreement for these services was approved by Council on June 18, 2008 in Ord. No. 2008-236.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-119

Ordinance No. 2009-358
(Int. No. 389)

Authorizing An Agreement For The City At Peace-Rochester Project

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

Section 1. The Mayor is hereby authorized to

enter into an agreement with Art Peace, Inc. for the City at Peace-Rochester Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2006-07 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-359
Re: Budget Amendment - Greater Rochester Health Foundation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Health Foundation for receipt and use of a grant for \$7,500, and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

The funds will be used to replace fitness equipment and supplies at the Avenue D Community Center.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-359
(Int. No. 390)

Authorizing An Agreement And Amending The 2009-10 Budget For A Health Foundation Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Health Foundation for funding for fitness equipment and supplies for the Avenue D Community Center.

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

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$7,500, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the fitness equipment

and supplies for the Avenue D Community Center.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-360
Re: Agreement - J. Martin Solutions, Labor Consultation Services

Transmitted for your approval is legislation authorizing an amendatory agreement with J. Martin Solutions for additional labor relations consultation services for the Rochester Police Department. This amendment will increase maximum compensation by \$58,000 and extend the term by two years to September 30, 2011. The additional cost will be funded from the 2009-10 Budget of the Police Department.

J. Martin Solutions will continue to provide general counsel and guidance on labor relations matters, including participating in strategy sessions and conducting or assisting with research. The firm has provided these services under earlier agreements since January 2005 for a total of \$115,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-360
(Int. No. 394)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

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

Section 1. The sum of \$58,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and J. Martin Solutions, Inc. for labor relations consultation services for the Rochester Police Department for a term of two years. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-361
Re: Amending the 2003-04, 2004-05, 2005-06, and 2006-07 Consolidated

Community Development Plans

Transmitted herewith for your approval is legislation amending the 2003-04, 2004-05, 2005-06, and 2006-07 Consolidated Community Development Plans to transfer a total of \$88,518 in unexpended funds to the Job Creation/Youth Development Account of the General Community Needs allocation as follows:

<u>Year</u>	<u>Amount</u>	<u>Account</u>
2003-04	\$ 4,402	Summer on the City Farm
	<u>324</u>	DuBois Urban Youth Training
	\$ 4,726	
2004-05	\$ 1,672	Good Grades Pay
	3,119	Community Tech Center
	225	Adolescent Parenthood Program
	584	Project Safe Place
	2,065	Summer of Opportunity Program
	4,633	Summer on the City Farm
	<u>123</u>	Dubois Urban Youth Training
	\$12,421	
2005-06	\$ 3,015	Good Grades Pay
	3,390	Community Tech Center
	761	Adolescent Parenthood Program
	927	BEEAMS/Young Males Project
	1,049	Summer of Opportunity Program
	4,042	Emergency/Transitional Funding
	542	Dubois Urban Youth Training
	477	Quad A
	<u>174</u>	Rochester Fatherhood Initiative
	\$14,377	
2006-07	\$ 101	Moving Forward
	721	Rochester Area Task Force on AIDS
	2,363	Family Talk Program
	109	Quad A
	<u>53,700</u>	Youth Training Academy
	\$56,994	

These transfers will support programming related to the recommendations in the Mayor's Youth Advisory Council *Youth Priorities in Action* report, as well as youth employment initiatives.

A public hearing on the amendments to the Consolidated Plans is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-361
(Int. No. 391)

Authorizing Amendatory 2003-04, 2004-05, 2005-06 And 2006-07 Community Development Program Plans And Amending Ordinances For The Job Creation/Youth Development Program

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

Section 1. The Council hereby approves amendments to the 2003-04, 2004-05, 2005-06 and 2006-07 Community Development Program Plans whereby, within the General Community Needs allocations, a total sum of \$88,518 from the following programs shall be transferred to the Job Creation/Youth Development Program Accounts:

<u>Year</u>	<u>Amount</u>	<u>Ord. #</u>
2003-04	\$ 4,402	2003-129
	Summer on the City Farm	
	<u>324</u>	2004-055
	DuBois Urban Youth Training	
	\$ 4,726	
2004-05	\$ 1,672	2005-178
	Good Grades Pay	
	3,119	2005-080
	Community Tech Center	
	225	2005-114
	Adolescent Parenthood Program	
	584	2006-079
	Project Safe Place	
	560	2006-175
	Summer of Opportunity Program	
	1,505	2007-199
	Summer of Opportunity Program	
	4,633	2004-129
	Summer on the City Farm	
	<u>123</u>	2005-081
	Dubois Urban Youth Training	
	\$12,421	
2005-06	\$ 3,015	2005-178
	Good Grades Pay	
	3,390	2006-054
	Community Tech Center	
	761	2006-176
	Adolescent Parenthood Program	
	927	2005-354
	BEEAMS/Young Males Project	
	1,049	2007-199
	Summer of Opportunity Program	
	4,042	none
	Emergency/Transitional Funding	
	542	2006-024
	Dubois Urban Youth Training	
	477	2005-284
	Quad A	
	<u>174</u>	2005-114
	Rochester Fatherhood Initiative	
	\$14,377	
2006-07	\$ 101	2006-356
	Moving Forward	
	721	2006-272
	Rochester Area Task Force on AIDS	
	2,363	2006-336

Family Talk Program		
	109	2006-270
Quad A		
	53,700	none
Youth Training Academy		
	\$56,994	

Section 2. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 388
Re: Hillside Work-Scholarship Connection

Transmitted herewith for your approval is legislation relating to the Hillside Work-Scholarship Connection program for city students. This legislation will:

1. Authorize an agreement with the Rochester City School District for the receipt of \$600,000 to support the Hillside Work Scholarship Connection program. These funds were anticipated and included in the 2009-10 Budget of the Department of Recreation and Youth Services.
2. Establish \$1,000,000 as maximum compensation for an agreement with the Hillside Work Scholarship Connection to support the participation of city students in the program. This agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The Hillside Work Scholarship Connection program, established in 1987, helps at-risk urban students stay in school and achieve academic success. The program's mission is to increase the graduation rates of Rochester City School District students by providing long-term advocacy, academic resources, life skills development, and job training. On average, 80% of Hillside Work Scholarship Connection students graduate from high school, at twice the rate of their peers, and 80% of these graduates attend college.

The Hillside Work Scholarship Connection program will provide services to a total of 313 City students, the majority of whom were in the program last year, and who will continue to receive services. New students will be recruited from the 8th and 9th grades. This agreement reflects the City's ongoing participation with the School District in the program.

The most recent agreement for these services were approved by Council in September 2008.

A project description is attached.

Ordinance No. 2009-172 provided funding for a separate program to support 150 students with summer jobs and, as appropriate, to continue through the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 388

AUTHORIZING AGREEMENTS FOR THE HILLSIDE WORK SCHOLARSHIP CONNECTION PROGRAM

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for reimbursement in the amount of \$600,000 for the Hillside Work Scholarship Connection Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Hillside Children's Center for the Hillside Work Scholarship Connection Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

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

Section 5. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:26 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
NOVEMBER 9, 2009**

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Emergency Communications
Gary D. Boorum
Fire Department
*John E. Mars
Police Department
*Barbara A. Brault
*Jesse D. Green

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of October 13, 2009 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 3993-09
Public Disclosure - Board Member 3994-09
Public Disclosure - CDBG Participation (2) 3995-09, 3996-09
Public Disclosure - HOME Participation 3997-09

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 2008-09 And 2009-10 Community Development Program Plans, Appropriating Funds And Authorizing Agreements For The FIS Commercial Business Assistance Program Int. No. 412 No speakers.

Changing The Zoning Classification Of 1794, 1800-1808 And 1820 Lyell Avenue From C-2 Community Center To M-1 Industrial Int. No. 413 No speakers

Amending The Official Map By Abandonment Of A Portion Of Addison Street From Mansfield Street To Its South End Int. No. 414 No speakers

Approving The Amended Urban Renewal Plan For The Midtown Urban Renewal Project Int. No. 425 No speakers

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Zoning Regulations

For The Midtown Urban Renewal Project Int. No. 426 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 9, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 398 - Cancellation Of Taxes And Charges

Int. No. 399 - Extending The Term Of A Professional Services Agreement For Municipal Parking Services

Int. No. 400 - Appropriating Funds And Amending The 2009-10 Budget For The South Avenue Garage Insurance Settlement

Int. No. 401 - Resolution Approving Amendment To The 2009-10 Debt Limit For General Municipal Purposes

Int. No. 402 - Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs

Int. No. 403 - Establishing Maximum Compensation For An Agreement For The 2010 Xerox Rochester International Jazz Festival

Int. No. 404 - Establishing Maximum Compensation For An Agreement For The 2010 Rochester MusicFest

Int. No. 405 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 406 - Establishing Maximum Compensation For An Agreement For The 2010 Rochester Flower City Challenge

Int. No. 434 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Office Relocation Management

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

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-362
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$ 1,200.00.

One property was purchased in April 2008 from a former owner who had accumulated substantial code violations charges. The current owner was unaware of the charges. The current owner has made continuous progress in remediation of the code violations. They have applied for a C of O for the property. The code violation charges will be reinstated as a judgment against the former owner.

If this cancellation is approved, total cancellations thus far for 2009-10 will be \$300,238.61.

	<u>Accounts</u>	<u>Amounts</u>
City Council	37	\$271,294.35
Administrative	<u>76</u>	<u>28,944.26</u>
Total	113	\$300,238.61

These cancellations represent .131% of the taxes receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-120

Ordinance No. 2009-362
(Int. No. 398)

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) One property was purchased in April 2008 from a former owner who had accumulated substantial code violations charges. The current owner was unaware of the charges. The current owner has made continuous progress in remediation of the code violations and has applied for a C of O for the property. The code violation charges will be reinstated as a judgment against the former owner.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
<u>Address</u>			
105.65-2-43	N/H	2009	<u>\$1,200.00</u>
489 Lyell Av			
Grand Total			\$1,200.00

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-363
Re: Amendatory Agreement - Shamrock
Training and Consulting, Parking
Bureau Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Shamrock Training and Consulting (Principal, David Keefe), for continued municipal parking and operational consulting services. The amendment will extend the term of the agreement to June 30, 2010. No additional funds are required.

Shamrock Training and Consulting has been under contract for parking services since July 28, 2008. The contract was last amended by Ordinance 2009-222. Approximately \$6,000 remains available in the contract for services that may be requested prior to June 30, 2010 at the request of the Parking Director. All other terms of the agreement will remain in effect.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-363
(Int. No. 399)

Extending The Term Of A Professional Services Agreement For Municipal Parking Services

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

Section 1. The Mayor is hereby authorized to extend the term of the amendatory professional services agreement between the City and Shamrock Training and Consulting for municipal parking consulting services through June 30, 2010.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-364 and
Resolution No. 2009-17
Re: Budget Amendment - South Avenue
Garage Insurance Proceeds

Transmitted herewith for your approval is legislation related to the \$2,500,000 received as settlement of the insurance claim for the 2006 collapse of the South Avenue Garage helix ramp. This legislation will:

1. Appropriate \$656,325 of the total for repayment to the Insurance Reserve Fund for advances made to the Rochester Convention Center Management Corporation (RCCMC) for expenses and lost revenue related to the helix collapse;

- 2. Amend the 2009-10 Budget by:
 - a. Appropriating \$1,200,000 of the Parking fund balance to increase Debt Service to repay a portion of the funds authorized and borrowed under Bond Ordinance 2006-210 to cover the emergency response to the collapse including the demolition of the remaining levels of the helix and other related expenses;
 - b. Appropriating \$251,900 of the Parking fund balance to Cash Capital in support of the Crossroads Garage Rehabilitation project; and
- 3. Amend the 2009-10 Debt Authorization Plan to increase the limit by \$1,200,000.

The disbursement of the insurance settlement is summarized below:

Direct expenses	\$ 102,205
Convention Center share	289,570
Insurance Reserve Fund	656,325
Parking Debt	1,200,000
Parking Cash Capital	<u>251,900</u>
Total	\$2,500,000

In April 2006, portions of the helical ramp at the south end of the Garage collapsed, completely closing the Garage through August 31, 2006. As a result, RCCMC, the garage operator, incurred expenses to temporarily re-open the Mortimer Street Garage; they also lost revenue as a result of the loss of approximately 850 of 1,850 parking spaces available upon the reopening of the Garage. The City advanced funding to RCCMC to provide interim operating funds as well as expenses paid on behalf of the City, on the condition that the City would be reimbursed from the proceeds of any insurance recovery.

In August 2006, RCCMC hired an independent adjuster to represent them in recovering insurance proceeds for the collapse of the garage ramp. The City was listed as an "other insured" on the insurance policy. The total amount of \$2,500,000 received was reduced by direct settlement expenses of \$102,205. The insurance settlement proceeds have been prorated between the City and RCCMC based on the proportional share of the total claim for damages and lost revenue, with RCCMC receiving \$289,570 of the proceeds.

The \$1.2 million partial repayment of the total debt authorized in Bond Ordinance 2006-210 will allow that amount to be added to the authorized debt limit for 2009-10.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-364
(Int. No. 400)

Appropriating Funds And Amending The 2009-10 Budget For The South Avenue Garage Insur-

ance Settlement

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

Section 1. There is hereby appropriated from funds received from the South Avenue Garage insurance settlement the sum of \$656,325, or so much thereof as may be necessary, to fund the Insurance Reserve Fund.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Debt Service by the sum of \$1,200,000, which amount is hereby appropriated from funds received from the South Avenue Garage insurance settlement to repay a portion of the bonds authorized pursuant to Ordinance No. 2006-210.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$251,900, which amount is hereby appropriated from funds received from the South Avenue Garage insurance settlement to fund the Crossroads Garage Rehabilitation Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2009-17
(Int. No. 401)

Resolution Approving Amendment To The 2009-10 Debt Limit For General Municipal Purposes

WHEREAS, by Resolution No. 2009-10 the Council established the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2009-10 to \$17,831,000 for general municipal purposes; and

WHEREAS, the limit was based upon the amount of debt being repaid during 2009-10; and

WHEREAS, an additional amount of \$1,200,000 in debt is being repaid as a result of the receipt of the South Avenue Garage insurance settlement and the Council wishes to increase the debt limit accordingly.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that the debt limit approved in Resolution No. 2009-10 is hereby increased by the sum of \$1,200,000.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-365
Re: Agreement - EBS-RMSCO, Inc.
Employee Reimbursement Plans

Transmitted herewith for your approval is legislation establishing \$260,000 as maximum compensation for a three-year agreement with EBS-RMSCO, Inc. (an Excellus Company, with corporate offices in Rochester) for the administrations of the Flexible Spending Accounts, Parking/Transit Reimbursement Accounts, and newly established Health Reimbursement Accounts for City employees. The annual cost of \$86,650 for this agreement will be funded from the 2009-10 and subsequent Budgets for Undistributed Expense.

Bids for the administration of these three employee plans were solicited, resulting in four vendor submissions. In addition to EBS-RMSCO, bids were received from MVP Healthcare, Benefit Resource, Inc., and Health Economics Group.

EBS-RMSCO, formerly doing business as Excellus Blue Cross/Blue Shield and EBS Benefit Solutions, has provided both flexible spending and parking/transit reimbursement administration for the City since 1992. The recommendation to continue with EBS-RMSCO for these services as well as the health reimbursement accounts, is based on cost, experience, and efficiency of services.

The term of this agreement will be January 1, 2010 to December 31, 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-365
(Int. No. 402)

Establishing Maximum Compensation For A Professional Services Agreement For Benefits Programs

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

Section 1. The sum of \$86,650, 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 EBS Benefit Solutions to administer the Flexible Spending and Parking/Transit Reimbursement Programs for a term of three years. Said amounts shall be funded from the 2009-10, 2010-11 and 2011-12 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-366
Re: Agreement - Rochester International

Jazz Festival, LLC, Xerox Rochester
International Jazz Festival

Transmitted herewith for your approval is legislation establishing \$225,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC (RIJF) to designate the City of Rochester as the lead government sponsor of the 2010 Xerox Rochester International Jazz Festival. The cost will be funded from the 2009-10 Budget of the Bureau of Communications.

The 2010 festival will be held June 11-19 and will include over 225 shows at sixteen venues. The City's contribution to the festival will underwrite a minimum of 25 free events, in and near the East End Cultural District.

RIJF has quickly become one of the nation's most popular and most respected music festivals. Founded in 2002, with attendance of 15,000, the festival has grown each year, attracting an international crowd. Attendance in 2009 was more than 133,000, with the largest single day attendance in the festival's history occurring on Friday June 19, with 45,000 patrons.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-366
(Int. No. 403)

Establishing Maximum Compensation For An Agreement For The 2010 Xerox Rochester International Jazz Festival

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

Section 1. The sum of \$225,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester International Jazz Festival, LLC (RIJF) for the 2010 Xerox Rochester International Jazz Festival. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-367
Re: Agreement - NSUC Entertainment,
LLC, Rochester MusicFest

Transmitted herewith for your approval is legislation establishing \$225,000 as maximum compensation for an agreement with NSUC Entertainment, LLC (principal: Edward Strickland), Rochester, for booking national and regional artists for and production of the 2010 Rochester MusicFest. The cost of this agreement will be financed from the 2009-10 (\$175,000) and 2010-11 (\$50,000) Budgets of the Bureau of

Communications.

In order to facilitate the growth of the Rochester MusicFest into a permanent, signature summer event, it will be run by a private promoter with support from the City. It is anticipated that the City's investment in this business venture will create, within three to five years, a sustainable, profitable economic development driver in downtown Rochester.

The 2010 MusicFest will run for five days - Saturday July 17, and Wednesday July 21 through Saturday July 24, with a combination of free and paid events. Tickets for the paid events will be priced in the range of \$20 to \$40.

<u>Date</u>	<u>Genre</u>	<u>Location</u>
July 17 Sat	Gospel Event (free)	Riverside Festival Site
July 21 Wed	Club Events (free)	Two downtown venues (to be announced)
July 22 Thu	Free and Paid Events	Five downtown venues (to be announced)
July 23 Fri	Motown Event (paid)	Riverside Festival Site (target attendance: 3,500)
July 24 Sat	Neo Soul Event (paid)	To be announced (target attendance: 6,000-8,000)

NSUC Entertainment, LLC will provide talent booking, site selection and management, logistical management, marketing, sponsorship solicitation, ticket sales, vendor management and administration. The City will provide some in-kind services such as fencing and police services as needed.

The 2009 Rochester MusicFest was a single-day event and attracted more than 6,000 attendees. As the signature summer event of the City's 175th Anniversary celebration, it was free and open to the entire community. NSUC Entertainment delivered a quality event with smooth production and execution.

NSUC Entertainment was selected in 2009 after review of solicited proposals based on the caliber of proposed entertainment and marketing plans. NSUC Entertainment principal, Ed Strickland, has successfully promoted entertainment in the Rochester area for more than 20 years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-367
(Int. No. 404)

Establishing Maximum Compensation For An Agreement For The 2010 Rochester MusicFest

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

Section 1. The sum of \$225,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and NSUC Entertainment, LLC for talent booking and production for the 2010 Rochester

MusicFest. Of said amount, \$175,000 shall be funded from the 2009-10 Budget of the Bureau of Communications, and \$50,000 shall be funded from the 2010-11 Budget of the Bureau of Communications, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-368
Re: Agreement - The Springut Group,
Party in the Park Concert Series

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with The Springut Group (principal: Jeffrey Springut), for booking national and regional artists for the 2010 "Party in the Park" concert series. The cost of this agreement will be financed from the Rochester Events Network trust fund (\$76,000) and the 2010-11 Budget of the Bureau of Communications (\$24,000). Springut was selected through a request for proposal process in 2009.

The concerts will be held on ten consecutive Thursdays from June through mid-August, 2010 at the Riverside Festival Site (corner of Exchange Boulevard and Court Street). For each concert, The Springut Group will provide artists for all opening and headline acts. It will also provide a production manager and hospitality for the artists, internal event security, Rochester Fire Department services, and vendors. As in 2009, this agreement will contain a revenue sharing component, providing The Springut Group exclusive rights to food and beverage vending in exchange for set rates of food and beverage volume sold.

In spite of rainy weather on five of the concert nights in 2009, estimated attendance (48,000) was up 20% compared to 2008, and revenue to the Rochester Events Network Trust Fund (\$52,013) increased by 58%.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-368
(Int. No. 405)

Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

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

Section 1. The sum of \$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 Springut Group for talent booking services for the "Party in the Park" concert series. Of said amount, \$76,000 is

hereby appropriated from the Rochester Events Network Trust Fund and \$24,000 shall be funded from the 2010-11 Budget of the Bureau of Communications, contingent upon approval of said budget. The agreement shall also provide The Springut Group exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for the sharing of certain revenue from the food and beverage sales with the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-369
Re: Agreement - YellowJacket Racing,
LLC, Rochester Flower City Challenge

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with YellowJacket Racing, LLC (David Boutillier and Ellen Brenner, Principals), Rochester, for production of a half marathon running event and other sports events. The cost of this agreement will be financed from the 2009-10 Budget of the Bureau of Communications.

YellowJacket Racing is aiming to establish the Rochester Flower City Challenge as the signature Rochester racing event of the spring season, with the goal of achieving national status for the Flower City Half Marathon.

Events will be held on Saturday and Sunday, April 24 and 25, 2010 and include the Rochester River Challenge Triathlon/Duathlon, the Rochester Flower City Half Marathon, and a family 5K run.

The Duathlon is a 5K run, followed by a 20-mile bicycle race, and finishing with a second 5K run. The Canoe Triathlon is a 5K run, followed by a 20-mile bicycle race, and a canoe segment. These two events will be based at the Genesee Waterways Center in Genesee Valley Park and will use area waterways, river walks, and roads in the area. Two hundred participants are anticipated for this first year, with as many as 350 expected by year three. As many as 2500 spectators are anticipated.

The Half Marathon will be based at the Blue Cross Arena with the course showcasing the city's historic neighborhoods, river and canal systems. The event is expected to draw 500 participants in the first year and grow to 1200 in year three. This is the only running event in the area to be held in the spring and will be marketed regionally to draw entrants from a 300-mile radius area.

YellowJacket Racing will provide free training workshops, programs, and workouts along the course. The event will include free stage performances and is free to spectators. The total event budget is estimated at \$75,000-\$80,000; City funds will be used to defray costs of Rochester Police Department services and Department of Environmental Services equipment

rental.

YellowJacket Racing, an event management company, produces 30 of their own events in and around Rochester and provides timing and finish line services to more than 70 events throughout Rochester and New York State.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-369
(Int. No. 406)

Establishing Maximum Compensation For An Agreement For The 2010 Rochester Flower City Challenge

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and YellowJacket Racing, LLC for the 2010 Rochester Flower City Challenge. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-370
Re: Amendatory Agreement -Vargas
Associates, Inc., Management of
Office Relocations

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Vargas Associates, Inc., 40 Humboldt Street, Rochester, NY, for additional services for the management of the relocations of various City offices and functions. The original agreement, authorized by Council in May 2009, established \$45,000 as the maximum compensation. This agreement will increase compensation by \$30,000 for a total of \$75,000. This additional cost will be funded from the 2009-10 Undistributed allocation.

As the physical relocations associated with the consolidation of the Departments of Community Development and Economic Development and the Neighborhood Service Centers into the Department of Neighborhood and Business Development were undertaken, the City determined that ancillary and interim moves and the opportunity to conveniently schedule planned remodeling/refurbishing work necessitated additional services from Vargas Associates.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-370
(Int. No. 434)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Office Relocation Management**

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

Section 1. The sum of \$30,000, or so much
thereof as may be necessary, is hereby established as
the compensation to be paid for an amendatory pro-
fessional services agreement with Vargas Associates,
Inc. for management of the relocation of City offices
and functions. Said amount shall be funded from the
2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect imme-
diately.

Passed unanimously.

By Councilmember Warren
November 9, 2009

To the Council:

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

Int. No. 407 - Authorizing The Sale Of Real Estate

Int. No. 408 - Authorizing Agreements For The
Asset Control Area Program

Int. No. 409 - Authorizing Agreements And
Amending The 2009-10 Budget For The Restore NY
Communities Initiative Program

Int. No. 410 - Local Law Extending The Residen-
tial-Commercial Urban Exemption Program

Int. No. 411 - Local Law Amending The Charter
Of The City Of Rochester With Respect To Assis-
tance For Affordable Housing

The Neighborhood & Community Development
Committee recommends for consideration the follow-
ing entitled legislation:

Int. No. 412 - Authorizing Amendatory 2008-09
And 2009-10 Community Development Program
Plans, Appropriating Funds And Authorizing Agree-
ments For The FIS Commercial Business Assistance
Program

Int. No. 413 - Changing The Zoning Classification
Of 1794, 1800-1808 And 1820 Lyell Avenue From
C-2 Community Center To M-1 Industrial

Int. No. 414 - Amending The Official Map By
Abandonment Of A Portion Of Addison Street From
Mansfield Street To Its South End

Int. No. 415 - Authorizing The Sale Of Real Estate
To Rochester Colonial Manufacturing

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

Received, filed and published.

Councilmember Warren moved to amend Int. No.
407

The motion was seconded by Councilmember
Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-371
Re: Sale of Real Estate

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

The first two properties were sold through a proposal
sale. Both purchasers intend to renovate the homes
and retain the structures as rental properties. The
purchasers will be required to complete the rehabili-
tation of the structures within twelve months of con-
ditional closing.

The next property is a parking lot sold through a
proposal sale. The buyer intends to improve the
existing parking lot for the use of area business,
including their own.

The next three properties are buildable vacant lots
being sold to the adjoining owners. The purchasers
will combine the parcels with their adjoining proper-
ties.

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

The first year projected tax revenue for these thirteen
properties, assuming full taxation, current assessed
valuations and current tax rates, is estimated to be
\$6,123.

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

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-121

Ordinance No. 2009-371
(Int. No. 407, As Amended)

Authorizing The Sale Of Real Estate And Release Of Reversionary Rights To The FIGHT Village Housing Project

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

Section 1. The Council hereby approves the sale of the following parcels of improved property by request for proposal sale:

<u>Address</u> <u>S.B.L.#</u>	<u>Legal Use</u> <u>Purchaser</u>	<u>Price</u>
790 Flower City Park 090.48-2-13	1 Family Greg & Beth Gissendanner	\$30,000
459 Remington St 091.71-1-5	2 Family Richard Bryant	\$ 4,001

Section 2. The Council hereby approves the sale of the following parcel of vacant land by request for proposal sale:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Price</u>
659 N. Winton Rd 107.82-1-18.1	45x163 *Landmark Properties, LLC	\$30,000

* Principals: Jeffrey Kaplan, President; Christopher DiMascio, Vice President

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Price</u>
146 Dewey Av 105.59-1-41	50x145 Raisa Elisa Barrero, Denieve LaSerna, Boris LaSerna	\$400
37 Portland Av 106.57-1-28	60x100 Ronald Avnet	\$ 50
203 Jefferson Ter 120.51-3-48.1	46x115 Evelyn Nix	\$450

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
732 Ave D 091.80-2-55	34x131 Johnny & Keso Phimsipasom	4,454
W/H 27 Furlong St Pt of 091.67-4-31	20x96 Shirley Jones	1,920
E/H 27 Furlong St Pt of 091.67-4-31	20x96 Pedro Colon	1,920
N/H 204 Saratoga Av Pt of 105.51-3-45	23x80 Joseph Winder	1,840
S/H 204 Saratoga Av Pt of 105.51-3-45	23x80 Thomas O'Hara	1,840

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.

Section 6. The Mayor is hereby authorized to convey to Ward Street, Ltd. the City's reversionary right, title and interest in and to the FIGHT Village Housing Project (428 N. Clinton Avenue, SBL #106.55-1-21 and 508-560 N. Clinton Avenue, SBL #106.55-1-19), effective as of the date on which ownership of the FIGHT Village Housing Project parcels is transferred by Ward Street, Ltd. to FIGHT Redevelopment Housing Development Fund Company, Inc. As consideration for the conveyance, FIGHT Village Housing Development Fund Company, Inc. shall agree to pay to the City the sum of \$450,000, without interest, to be all due and payable no later than thirty (30) years from the date on which ownership of the FIGHT Village Housing Project parcels is transferred to FIGHT Redevelopment Housing Development Fund Company, Inc., or upon the expiration or termination of the property tax exemption and in-lieu-of-tax agreement for FIGHT Redevelopment Housing Development Fund Company, Inc. authorized by Ordinance No. 2009-343, whichever comes first. The instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-372
Re: Asset Control Area Program

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of Housing and Urban Development (HUD) for the continuation of the Asset Control Area (ACA) program through December 31, 2011, and approving the updated Business Plan, which is on file with the City Clerk.

The ACA program allows local government and not-

for-profit developers to enter into agreements with HUD to purchase the inventory of HUD-owned residential properties at a significant discount in designated areas. The discount allows the City to acquire properties at lower prices and reduce the amount of subsidy required for rehabilitation of each property, thus maximizing the number of vacant homes that can be addressed. The City's ACA Program is a component of the Home Rochester program. A program description is attached.

As a condition of the HUD/ACA agreement, the City must purchase all single-family properties in the designated census tract areas. Once acquired, each property must be fully rehabilitated and sold to owner-occupant, first-time homebuyers. Buyers of Home Rochester properties are required to have incomes at or below 115% of Area Median Income and must agree to live in the property for a minimum of 10 years.

Since the program began in 2004, 386 properties have entered the ACA system. Currently, 323 properties have been sold; the remaining 63 properties are in various stages of development. The City's ACA program, has received excellent program compliance reviews conducted by independent auditors.

It is anticipated that approximately 75-150 properties will be acquired during each year of the agreement. The most recent agreement was approved by City Council in December 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-122

Ordinance No. 2009-372
(Int. No. 408)

Authorizing Agreements For The Asset Control Area Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development (HUD) for continued City participation in the Asset Control Area (ACA) Program through December 31, 2011.

Section 2. The Council hereby approves the updated ACA Business Plan for the acquisition of residential real estate from HUD and further approves the resale of said real estate to the Rochester Housing Development Fund Corporation or eligible purchasers through the ACA Program without further Council approval.

Section 3. 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 4. The Mayor is hereby further authorized

to enter into the extension of agreements with the Rochester Housing Development Fund Corporation (RHDFC) and the Greater Rochester Housing Partnership, Inc. to permit the continued acquisition and development of ACA properties.

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. 2009-373
Re: Restore NY Communities Initiative -
Round 3

Transmitted herewith for your approval is legislation appropriating the funds of two grants from the Empire State Development Corporation (ESDC) through its Restore NY Communities Initiative Program for the Center City Mixed Use/Commercial Initiative (\$6 million) and the Development Site Clearance Project (\$3.5 million). In addition, the legislation will:

1. Establish maximum compensation for agreements for five rehabilitation projects, as summarized below. The cost of these agreements will be funded from the Center City Mixed Use/Commercial Initiative grant.

<u>Developer/Principal Project</u>	<u>Amount</u>
61 Commercial Realty LLC Lewis Norry, Rachel Rosen Trolley Barn 61 Commercial Street	\$2,445,000
234-250 Andrews St. LLC Pawel Efraimov Kirstein Building 234-250 Andrews Street	1,000,000
Riverview Lofts LLC P. Dutton Capron Street Lofts 228 South Avenue	1,150,000
QP, LLC J. Nolan 250 East Avenue	\$335,000
Philippone Associates J. Philippone 44 Exchange Blvd.	<u>1,070,000</u>
Total	\$6,000,000

2. Establish maximum compensation for agreements for two development projects, summarized below. These agreements will be funded from the Development Site Clearance Project grant.

<u>Developer/Principal Project</u>	<u>Amount</u>
Conifer Realty LLC Richard Crossed Conifer on Fernwood 100-142 Fernwood Avenue	\$ 500,000
Tracy Street Realty LLC L. Glazer 230-250 Alexander Street	<u>2,000,000</u>
Total	\$2,500,000

3. Amend the 2009-10 Cash Capital Budget of the Department of Neighborhood and Business Development by \$1,000,000 to reflect the receipt and use of the balance of the Development Site Clearance Project grant to partially finance the City Demolition Program for 2009-10; and
4. Establish \$1,300,000 as maximum compensation for an agreement with Philippone Associates, or its subsidiary, for the renovation of 44 Exchange Blvd. The cost of this agreement will be funded from Cash Capital as follows:

2000-01	\$30,998
2001-02	\$124,324
2003-04	\$240,239
2005-06	\$100,000
2007-08	\$129,439
2009-10	\$675,000

These Restore NY grants provide funding for the demolition, deconstruction, rehabilitation, or reconstruction of vacant, abandoned, surplus, or condemned residential and/or commercial buildings. The application for the grants and agreements with the ESDC were previously authorized by City Council in April 2009.

Center City Mixed Use/Commercial Initiative As part of the revitalization of the Center City, Restore NY funds totaling \$6 million will be used to create approximately 30 new market-rate rental housing units, 50 new condominium housing units, and the renovation of 69,803 sq. ft of commercial space in five existing downtown buildings. A detailed summary of these projects is attached.

The City's application requested \$7,802,460 for these developments. In order to advance all five projects to construction, the City will provide a portion of the shortfall; the remaining balance will be absorbed by the developers. For the 44 Exchange Blvd. project, the City will additionally provide \$1.3 million, with the requirement that no fewer than 20% of the units will be affordable and sold to households earning incomes less than 120% Median Family Income.

Development Site Clearance Project \$3.5 million in Restore NY funds will be used for demolitions at two privately-owned sites to create developable sites. One is an 8.14-acre site for new housing; the second is a 6.4-acre site for a \$75 million mixed-use development. The \$1 million of Restore NY funds being added to 2009-10 Cash Capital will be used for the demolition of up to 75 City-owned residential,

mixed-use, and commercial structures. The demolitions will be publicly bid. A detailed summary of these projects is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-123

Ordinance No. 2009-373
(Int. No. 409)

Authorizing Agreements And Amending The 2009-10 Budget For The Restore NY Communities Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with 61 Commercial Realty LLC, or a subsidiary, for the rehabilitation of the Trolley Barn at 61 Commercial Street. The agreement shall obligate the City to pay an amount not to exceed \$2,445,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with 234-250 Andrews St. LLC, or a subsidiary, for the rehabilitation of the Kirstein Building at 234-250 Andrews Street. The agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 3. The Mayor is hereby authorized to enter into an agreement with Riverview Lofts LLC, or a subsidiary, for the rehabilitation of the Capron Street Lofts at 228 South Avenue. The agreement shall obligate the City to pay an amount not to exceed \$1,150,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 4. The Mayor is hereby authorized to enter into an agreement with QP, LLC, or a subsidiary, for the rehabilitation of 250 East Avenue. The agreement shall obligate the City to pay an amount not to exceed \$335,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 5. The Mayor is hereby authorized to enter into an agreement with Philippone Associates, or a subsidiary, for the rehabilitation of 44 Exchange Boulevard. The agreement shall obligate the City to pay an amount not to exceed \$1,070,000, and said amount, or so much thereof as may be necessary, is

hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 6. The Mayor is hereby authorized to enter into an agreement with Philipponne Associates, or a subsidiary, for the creation of affordable housing units at 44 Exchange Boulevard. The agreement shall obligate the City to pay an amount not to exceed \$1,300,000, and of said amount, or so much thereof as may be necessary, \$30,998 shall be funded from the 2000-01 Cash Capital allocation, \$124,324 shall be funded from the 2001-02 Cash Capital allocation, \$240,239 shall be funded from the 2003-04 Cash Capital allocation, \$100,000 shall be funded from the 2005-06 Cash Capital allocation, \$129,439 shall be funded from the 2007-08 Cash Capital allocation and \$675,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 7. The Mayor is hereby authorized to enter into an agreement with Conifer Realty LLC, or a subsidiary, for site clearance for the Conifer on Fernwood Project at 100-142 Fernwood Avenue. 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 grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

Section 8. The Mayor is hereby authorized to enter into an agreement with Tracy Street Realty LLC, or a subsidiary, for site clearance for 230-250 Alexander Street. The agreement shall obligate the City to pay an amount not to exceed \$2,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program.

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

Section 10. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$1,000,000, which amount is hereby appropriated from grant funds from the Empire State Development Corporation to be received under the Restore NY Communities Initiative Program to fund the City Demolition Program.

Section 11. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 7
Re: Reauthorization of the Residential-
Commercial Urban Exemption Program

Transmitted herewith for your approval is legislation reauthorizing the Residential-Commercial Urban Exemption Program (CUE). CUE was authorized in 2004 by Local Law No. 3, under New York State Real Property Tax Law. The program allows cities with populations of 50,000 to 1,000,000 to provide tax exemptions for certain classes of mixed-use properties. CUE was re-authorized in 2006 through Local Law No. 5 in June 2006.

The objective of the program is to facilitate the conversion of underutilized office, retail, manufacturing, and warehouse buildings to promote downtown residential uses. Under CUE, a non-residential property, upon conversion to mixed-use (residential-commercial), can be partially exempted from taxation and special ad valorem levies for a period of twelve years. The exemption is applied to the increase in assessed value attributable to the conversion to mixed-use.

In years 1-8, the exemption applies to 100% of the increase in assessment attributable to the conversion to mixed-use; in the following years, the exemption is reduced by 20% each year, with full taxation applying in year 13 and beyond.

CUE is restricted to mixed-use conversion projects located in the Center City District. To qualify for the exemption, property owners must invest at least \$250,000 in converting the property, and provide a minimum of 25% of the total developed space for residential use.

Since its inception, 10 property owners have qualified for the CUE Program. There are currently three developers who have filed applications; and five other properties are potential participants. A list of these properties is attached. The 10 projects currently enrolled have resulted in an investment of more than \$18 million and the creation of an additional 157 market-rate housing units in the Center City. The value of these properties has increased by more than \$8.5 million.

The Rochester Downtown Development Corporation reports that vacant office space continues to experience a substantial vacancy rate of 25%, virtually the same as 2006. That figure includes the three properties for which CUE applications have been filed and await approval. These projects represent a combined investment estimated at \$10.2 million. Five additional properties would be considered for development should CUE be extended.

The current authorization for CUE expires in June 2010. Authorization of an extension now will allow the City's program to run concurrently with the County's program, which expires December 31, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-124

Local Law No. 7
(Int. No. 410)

Local Law Extending The Residential-Commercial Urban Exemption Program

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

Section 1. Section 6-71.7 of the Charter of the City of Rochester, Residential-Commercial Urban Exemption Program, shall remain in effect for the 2010, 2011 and 2012 assessment rolls. Any property that is granted an exemption on one of those rolls shall remain eligible for the additional years of exemption on that property, provided the property continues to meet the requirements of Section 485-a.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 8
Re: Amending the City Charter -
Affordable Housing

Transmitted herewith for your approval is legislation amending Section 10-11 of the Charter of the City of Rochester to accommodate changes in policy related to affordable housing. Specifically this amendment will provide for:

1. Inclusion of the new Housing Policy as authorized by Ordinance No. 2008-91 in March 2008;
2. The provision of grants and loans for the development of affordable for-sale and rental housing; and
3. Inclusion of condominiums within the definition of housing.

Section 10-11 will be modified to clarify that providing grants and below market-rate loans for the development of affordable rental housing is included as a method of "Promoting and facilitating decent rental housing for those who do not desire to or cannot afford to purchase a home" [Section 10-11(B)(5)]. It will also include language to clarify that the grants and loans for the development of for-sale affordable housing can be made to the developer of such housing - not just the person or family of low or moderate income as currently stated.

Section 10-11 will further be amended to include condominiums as a class of housing. This is consistent with the *City Housing Policy*, which states that the City shall promote home ownership by "cultivating new homeowners through marketing, pre-and post-purchase counseling and training programs, encouraging the development of quality financial products, and developing housing types that create an inventory of housing options to address market demand." It is also consistent with the *City-Wide Rochester Housing Market Study Recommendations* that call for the renewal of Rochester's housing stock with new residential products that address market demand. The Study's market analysis estimated that,

based on a capture rate of 5 to 10 percent, the City could support between 119-238 new, for sale multi-family housing units per year (including lofts/apartments, and condominium/co-op ownership).

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 8
(Int. No. 411)

Local Law Amending The Charter Of The City Of Rochester With Respect To Assistance For Affordable Housing

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 final sentence of Subsection A of Section 10-11, Affordable Housing, to read in its entirety as follows:

The Council, therefore, hereby declares the development of such affordable housing to be a municipal and public purpose which shall be undertaken within the policy established by Resolution No. 93-19, as such policy has been subsequently updated by Ordinance No. 2008-91.

Section 2. Section 10-11 of the City Charter is hereby further amended by adding thereto a new Subsection B(6) to read in its entirety as follows:

- (6) Making grants and below market rate loans to support the development of housing to be sold or rented to a person or family of low or moderate income for use as such person's or family's principal residence.

Section 3. Section 10-11 of the City Charter is hereby further amended by amending the definition of HOUSE or HOME found in Subsection D to read in its entirety as follows:

HOUSE, HOUSING or HOME - Any building containing one or more dwelling units, including a condominium.

Section 4. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-374
Re: Focused Investment Strategy -
Commercial Business Assistance
Program

Transmitted herewith for your approval is legislation authorizing the Focused Investment Strategy Commercial Business Assistance Program and amending

Consolidated Community Development Plans to provide funding for the program. Specifically, this legislation will:

1. Amend the 2008-09 and 2009-10 Consolidated Community Development Plans to modify the description for the Neighborhood and Asset Based Planning Fund to include assistance to commercial businesses located in the Focused Investment Strategy (FIS) areas;
2. Appropriate a total of \$300,000 Community Development Block Grant funds for the Focused Investment Strategy Commercial Business Assistance Program, as follows:
 - a. \$166,650 from the 2008-09 Improving the Housing Stock and General Property Conditions allocation, Neighborhood Asset Based Planning Fund; and
 - b. \$133,350 from the 2009-10 Improving the Housing Stock and General Property Conditions allocation, Neighborhood Asset Based Planning Fund; and
3. Authorize agreements for the use of these funds.

The funds will be used to assist for-profit businesses located within each of the FIS areas and will be administered by the Bureau of Business and Housing Development, Division of Small Market Development. The funds will supplement existing commercial business assistance programs.

The 2008-09 and 2009-10 Consolidated Community Development Plans amendments will allow for the FIS Commercial Business Assistance Program funds to be available for permanent interior or exterior improvements to property, and for the purchase of furniture, fixtures and equipment. The maximum grant available through this program will be \$40,000. For building improvement projects, the grantee match will be the cost of an architect (typically 10-15% of the cost of improvements). For projects involving purchase of furniture, fixtures or equipment, the grantee will be required to provide a dollar-for-dollar match.

Applicants can initiate the project with the small business development representative for their quadrant. City staff will work with the business owners to develop the application and submit it for review. Program guidelines are attached.

A public hearing on the Consolidated Community Development Plan amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-125

Ordinance No. 2009-374
(Int. No. 412)

Authorizing Amendatory 2008-09 And 2009-10

Community Development Program Plans, Appropriating Funds And Authorizing Agreements For The FIS Commercial Business Assistance Program

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

Section 1. The Council hereby approves amendments to the 2008-09 and 2009-10 Community Development Program Plans to modify the description for the Neighborhood and Asset Based Planning Fund to include assistance to commercial businesses located in the Focused Investment Strategy (FIS) areas. The amendments will allow for the FIS Commercial Business Assistance program funds to be available for permanent interior or exterior improvements to property, and for the purchase of furniture, fixtures and equipment.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$166,650, and from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$133,350, or so much thereof as may be necessary, to fund the FIS Commercial Business Assistance Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the FIS Commercial Business Assistance Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2009-375,
Ordinance No. 2009-376 and
Ordinance No. 2009-377

Re: Land Use Changes and Sale of Real Estate - Rochester Colonial Manufacturing Corporation

Transmitted herewith for your approval is legislation relating to an expansion project being undertaken by Rochester Colonial Manufacturing Corporation on Lyell Avenue. This legislation will amend the Zoning Map and the Official Map, and authorize the sale of lands owned by the City of Rochester as follows:

1. Rezone the properties at 1794, 1800-1808 and 1820 Lyell Avenue from C-2 Community Center District to M-1 Industrial District;
2. Abandon a 5,600 square foot portion of Addison Street from Mansfield Street south to the dead end; and

- 3. Authorize the sale of three vacant parcels at 75, 81 and 87 Addison Street and the abandoned portion of Addison Street to Rochester Colonial Manufacturing, for a total of \$11,700.

Rochester Colonial Manufacturing was founded in Rochester in 1947 and has been owned and operated by the Gionta Family since 1960. The Company has been located at 1794 Lyell Avenue since 1967 and currently has 104 employees. The firm manufactures and distributes custom wood windows and doors for residential and commercial applications.

Rochester Colonial owns eight contiguous properties at 1794, 1800-1808 and 1820 Lyell Avenue and 60, 64, 65, 67 and 70 Addison Street. The project proposal includes the purchase of the City-owned properties on Addison Street and the abandonment of a portion of the Addison Street right-of-way. The Lyell Avenue properties are located in the C-2 Community Center district; the properties on Addison Street and the right-of-way are located in the M-1 Industrial district.

The land assembly, approximately 7.34 acres, is necessary to facilitate construction of approximately 47,000 square feet of building additions to expand the manufacturing, storage, loading dock, and distribution areas of the existing 91,700 square foot facility, and to rearrange and create parking facilities to support the use. Also, a fence and gate will be installed across the north end of the abandoned portion of Addison Street.

Manufacturing and distribution facilities are not permitted in the C-2 district. Rochester Colonial is a nonconforming use, and as such would require Area Variance approval from the Zoning Board of Appeals for expansion of a nonconforming use and waivers for height, setback, and floor area; an unnecessary constraint for expansion of a thriving manufacturing use. If rezoned to M-1, the existing use and the expansion project will be permitted as of right, subject to Site Plan Review approval. Upon project completion, the 11 properties and the abandoned right-of-way will be combined into a single property.

The rezoning, street abandonment and sale of City land is proposed in response to the changing market conditions, and will allow the existing industrial use to grow, allowing the business to remain in the city. Although rezoning properties from residential and commercial designations to manufacturing may create some apprehension, it is important to understand that the City's M-1 District is carefully regulated. Permitted and specially permitted uses in the proposed M-1 district are subject to distance separation, landscaping, design standards, and visual buffer requirements, which would mitigate impacts on adjacent residential and commercial districts.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational

hearing on the proposed rezoning and street abandonment on October 19, 2009. There were no speakers; by a vote of 7-0, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment and the Official Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-126

Ordinance No. 2009-375
(Int. No. 413)

Changing The Zoning Classification Of 1794, 1800-1808 And 1820 Lyell Avenue From C-2 Community Center 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 parcels, constituting 1794, 1800-1808 and 1820 Lyell Avenue, from C-2 Community Center to M-1 Industrial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 92, 20,000 Acre Tract, and more particularly bounded and described as follows: Beginning at the centerline intersection of Mansfield Street (50' ROW) and Harcourt Road (50' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said centerline of Harcourt Road, a distance of 598.0 feet, more or less, to the centerline of Lyell Avenue (66' ROW); thence
- 2) Westerly, along said centerline of Lyell Avenue, a distance of 616.5 feet, more or less, to the southerly extension of the west line of lands conveyed to Rochester Colonial Manufacturing Corporation by Liber 9236 of Deeds, Page 220; thence
- 3) Northerly, along said extension and the west line of Rochester Colonial, a distance of 433.0 feet to an angle point; thence
- 4) Easterly, continuing along said lands of Rochester Colonial, a distance of 141.72 feet to an angle point; thence
- 5) Northerly, continuing along said lands of Rochester Colonial, a distance of 198.87 feet to the northwest corner thereof; thence
- 6) Easterly, along the north line of said lands of Rochester Colonial, a distance of 80.0 feet to the northeast corner thereof; thence
- 7) Southerly, continuing along said lands of

Rochester Colonial, a distance of 172.0 feet, more or less, to the southwest corner of Lot 164 of the Rochester Gardens Subdivision, as filed in the Monroe County Clerk's Office in Case A-6 of Maps; thence

- 8) Easterly, along the south line of said Lot 164 & Lot 163 of the Rochester Gardens Subdivision, a distance of 270.73 to the southeast corner of said Lot 163; thence
- 9) Northerly, along the east line of Lots 163, 162 & 161 of said subdivision, a distance of 137.0 feet, more or less, to the said centerline of Mansfield Street; thence
- 10) Easterly, along said centerline, a distance of 125.0 feet, more or less, to the said centerline of Harcourt Road, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-376
(Int. No. 414)

Amending The Official Map By Abandonment Of A Portion Of Addison Street From Mansfield Street To Its South End

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

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

Commencing at a point on the south right-of-way of Mansfield Street, said point being the intersection of said south right-of-way of Mansfield Street with the west right-of-way of Harcourt Road, thence, westerly and along the south right-of-way of Mansfield Street a distance of 200.00 feet to its intersection with the east right-of-way of Addison Street, said point being the point and place of beginning, thence;

- 1) Southerly and along the east right-of-way of Addison Street a distance of 111.99 feet to the southeast corner of Addison Street, thence;
- 2) Westerly and along the south right-of-way of Addison Street and forming an interior angle of 89° 24' 35" a distance of 50.00 feet to the southwest corner of Addison Street, thence;
- 3) Northerly and along the west right-of-way of Addison Street and forming an interior angle of 90° 35' 25" a distance of 111.99 feet to a point, said point being the southeast corner of a portion of Mansfield Street Abandonment as per Ordinance No. 86-103, thence;

- 4) Easterly and forming an interior angle of 89° 24' 35" a distance of 50.00 feet to a point on the east right-of-way of Addison Street and the south right-of-way of Mansfield Street, said point being the point and place of beginning. Course 4 having an interior angle of 90° 35' 25" with course 1.

Containing: 5,599.20 square feet/0.129 acres.

Subject to any and all easements, covenants and restrictions that an updated abstract of title may show.

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 19, 2009.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-377
(Int. No. 415)

Authorizing The Sale Of Real Estate To Rochester Colonial Manufacturing

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

Section 1. Upon abandonment of the southerly portion of Addison Street as authorized at this meeting, the Council hereby approves the sale of the City-owned abandonment area to Rochester Colonial Manufacturing Corporation for the sum of \$4,200. The Council further approves the sale of the City-owned vacant parcels at 75, 81 and 87 Addison Street (SBL # 104.60-1-44, 104.60-1-31 & 104.60-1-32.1) to Rochester Colonial Manufacturing Corporation for the sums of \$3,025, \$2,450 and \$2,025, respectively.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
November 9, 2009

To the Council:

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

Int. No. 416 - Establishing Maximum Compensation For A Professional Services Agreement For The Parking Garage Evaluation And Maintenance Program

Int. No. 417 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Running Track Railroad Bridge Pedestrian Conversion Study

Int. No. 418 - Amending Ordinance No. 2009-314

Relating To The East Henrietta Road Improvement Project

Int. No. 419 - Authorizing An Amendatory Agreement With The Monroe County Water Authority

Int. No. 420 - Authorizing An Agreement With The County Of Monroe For Green Fueling Stations

Int. No. 421 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Execution And Delivery Of An Agreement Of Cooperation With The County Of Monroe And Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of The Design Of Certain Shared Green Alternative Fueling Stations

Int. No. 422 - Authorizing An Agreement With The FBI For The Fueling Of Vehicles

Int. No. 433 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street And 354 Whitney Street

Int. No. 435 - Amending Ordinance No. 2009-156 And Authorizing Agreements For The University Avenue Improvement And ARTWalk2 Enhancement Projects And Amending The 2009-10 Budget

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
Gladys Santiago
William F. Pritchard
PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-378
Re: Annual Parking Garage Evaluation
And Maintenance Program

Transmitted herewith for your approval is legislation establishing \$300,000 as maximum compensation for an agreement with FRA Engineering and Architecture P.C., Rochester, for engineering planning and design services for the Annual Parking Garage Evaluation and Maintenance Program. The cost of the agreement will be financed from the 2006-07 Cash Capital allocations of the Department of Environmental Services.

The eight garages included in the program are Gene-see Crossroads, Mortimer, High Falls, South Avenue, Metro Center (East End), Washington Square, Sister Cities, and Court Street (Bausch & Lomb).

FRA Engineering and Architecture will perform comprehensive garage inspections to identify safety and maintenance issues, establish condition ratings, and assess work required to render all elements in good-to-excellent condition. They will develop an on-going process and procedure to conduct annual

inspections to identify, prioritize, and implement routine maintenance activities. Services include program development for implementation of all necessary structural repairs and other capital improvements, as well as developing a five-year capital program for City garages. Lastly, they will provide design and construction reviews, contract preparation, resident project representation, and general consultation services during maintenance of the structures.

Proposals for these services were solicited from 18 firms. Proposals were received from 10 firms - La-Bella Associates, P.C., FRA Engineering and Architecture, P.C., Stantec Consulting Services, Hunt Engineers, Architects and Land Surveyors, Ravi Engineering & Land Surveying, P.C., Clark Patterson Lee, TimHaahs, Clough Harbor Associates, Whitely Associates, and The Integrity Group. FRA Engineering and Architecture was selected by a cross-departmental team based on its qualifications, assigned personnel, and overall familiarity and expertise with the scope of the planned work.

The agreement will have an initial term of one year with a provision for four one-year renewals. Any additional costs required by the renewals would be financed from future Cash Capital allocations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-378
(Int. No. 416)

Establishing Maximum Compensation For A Professional Services Agreement For The Parking Garage Evaluation And Maintenance Program

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and FRA Engineering and Architecture, P.C. for engineering planning and design and resident project representation services for the Parking Garage Evaluation and Maintenance Program. Said amount shall be funded from the 2006-07 Cash Capital allocation. The agreement shall extend for a term of one year, and may contain options to renew for four additional one-year terms. Compensation for renewal terms shall not exceed that set forth in the annual budgets for such purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-379 and
Ordinance No. 2009-380
Re: Agreement - Bergmann Associates,

Rochester Running Track Railroad
Bridge Study and Amending
Ordinance No. 2009-314

Attachment No. AI-127

Ordinance No. 2009-379
(Int. No. 417)

Transmitted herewith for your approval is legislation related to agreements with Bergmann Associates, P.C. This legislation will:

1. Establish \$135,000 as maximum compensation for an agreement with Bergmann Associates, P.C. for engineering inspection, planning and design services related to the Rochester Running Track Railroad Bridge. The cost of the agreement will be financed from 2007-08 Cash Capital.
2. Amend Ordinance No. 2009-314 to correct the source of funding for an agreement with Bergmann Associates related to the East Henrietta Road Project.

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Running Track Railroad Bridge Pedestrian Conversion Study

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

Section 1. The sum of \$135,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, PC for engineering inspection, planning and design services for the Rochester Running Track Railroad Bridge Pedestrian Conversion Study. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-380
(Int. No. 418)

Railroad Bridge The historic Rochester Running Track Railroad Bridge spans the Genesee River just north of the Smith Street Bridge, and is roughly bounded by St. Paul Street and Lake Avenue.

Amending Ordinance No. 2009-314 Relating To The East Henrietta Road Improvement Project

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

The consultant will evaluate the bridge to determine its structural stability and the feasibility of converting it for pedestrian use. If a conversion is feasible, the consultant will provide concept plans, color renderings, statement of findings, and cost estimates for the conversion and multi-use trail alignments for each approach to the bridge, including a connection to the El Camino Trail.

Section 1. Ordinance No. 2009-314, establishing maximum compensation for an agreement for the East Henrietta Road Improvement Project, is hereby amended by changing the source of funding to \$220,000 from American Recovery and Reinvestment Act Funds appropriated in Section 12 of Ordinance No. 2009-73 and \$60,000 from Bond Ordinance No. 2009-315.

Proposals for these services were solicited from 17 firms. Seven firms responded - FRA Engineering and Architecture P.C., Stantec Consulting Services, Fisher Associates, Clark Patterson Lee, Hunt Associates, Dewberry Inc. and Bergmann Associates, P.C. Based on a staff review of qualifications, assigned personnel, and overall familiarity and expertise with the scope of planned work, Bergmann Associates is recommended.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Initial investigation and preliminary design will begin following Council authorization, with anticipated completion in June 2010. Should the bridge prove to be structurally sound, the work by the consultant will allow the City to explore funding opportunities at Federal and State levels for a potential "rails to trails" conversion.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-381
Re: Amendatory Agreement - Monroe
County Water Authority

Ordinance No. 2009-314 The ordinance established \$280,000 as maximum compensation for Bergmann Associates to provide resident project representation services for the East Henrietta Road Project. This amendment will correct the cost of the agreement as follows: \$220,000 will be funded from American Recovery and Reinvestment Act funds that were previously appropriated through Ordinance No. 2009-73; and \$60,000 will be funded through the appropriation of the bonds (water) as authorized in Ordinance No. 2009-315.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Monroe County Water Authority (MCWA). This amendment will extend the term of the agreement due to expire on December 31, 2009, to December 31, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

The original agreement was authorized in April 1978 for a 30-year term. The City and MCWA have been

in discussions about the terms of a new agreement since May 2007. These discussions have been productive and have helped to clarify each party's system and operations. The level of detail and quantity of information has resulted in the necessity of additional time to finalize negotiations. This agreement amendment is mutually beneficial to both the City and MCWA for new agreement preparations.

Additional terms of the agreement remain as amended by Ordinance No. 2008-148. The expiration date of this agreement was last amended by Ordinance No. 2008-418 on Dec. 23, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-381
(Int. No. 419)

Authorizing An Amendatory Agreement With The Monroe County Water Authority

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Monroe County Water Authority for the extension of the current agreement, as amended by Ordinance No. 2008-148, through December 31, 2010.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-382 and
Ordinance No. 2009-383
Re: Inter-Municipal Agreement -
Monroe County, Green Fueling
Stations

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County to allow for planning and design services related to four new fueling stations to be shared by the City and the County; and authorizing the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance the City's share of design services.

The City and Monroe County are collaborating on an assessment and preliminary design for multi-agency alternative fueling stations that would service municipal fleet vehicles. The total cost of these services will be \$150,000.

The new fueling facilities will be located at the Frank E. VanLare Wastewater Treatment plant, the City's Central Vehicle Maintenance Facility at Mt. Read Boulevard; and two sites will be determined that will be able to accommodate modular fueling facilities that can be relocated. Barton & Loguidice, P.C. was retained by the County to provide comprehensive site

assessments to determine the required aspects for the facility construction at each location, which will formulate the basis of final design. The current scope of services allows for the consultant to assist with the assessment and planning of the new facilities, including probable construction cost estimates.

It is anticipated that County and City will proceed with final design of the project and construction of the new facilities at the VanLare and Mt. Read locations; future legislation will incorporate a revised agreement to allow for final design and construction, as well as appropriating the City's share of construction costs.

In 2008 the County was awarded a \$4.25 million Federal Transportation Improvement Program Congestion Mitigation and Air Quality (CMAQ) grant. The funds require a minimum 20% project match to be shared between the City and County.

Preliminary design is anticipated to begin in early 2010, with completion in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-382
(Int. No. 420)

Authorizing An Agreement With The County Of Monroe For Green Fueling Stations

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for planning and design services for green alternative fueling stations to service municipal fleet vehicles.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-383
(Int. No. 421)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Execution And Delivery Of An Agreement Of Cooperation With The County Of Monroe And Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of The Design Of Certain Shared Green Alternative Fueling Stations

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the design of certain shared green alternative fueling stations. Two of the stations will be at the VanLare Plant and the City's Central Vehicle Maintenance Facility, while the other two stations will be modular facilities to be placed at sites to be determined (collectively, the "Project"). The City shall undertake a cooperative effort with the County of Monroe (the "County") to design, develop and operate the Project pursuant to the terms and provisions of an Agreement of Cooperation entered into between the City and the County in accordance with Section 119-o of the New York General Municipal Law. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is approximately \$5,100,000. The City's share of the design portion of the total maximum cost, \$75,000, is hereby appropriated therefor. The plan of financing for this portion 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. The County shall also contribute the sum of \$75,000 to the design portion of the total maximum cost. The Project is expected to receive a federal grant of \$4,250,000 and future contributions by the City shall be determined by a subsequent ordinance of the City.

Section 2. Bonds of the City in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.5 of the Law, is thirty (30) years.

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

amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-384
Re: Agreement - Federal Bureau of
Investigation, Fuel Dispensing

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Federal Bureau of Investigation (FBI)-Rochester Division for

fueling of vehicles at the City's fueling station at 945 Mount Read Boulevard.

To provide greater convenience, the FBI has utilized the City's fueling facilities since Council authorization in May 2006 (Ord. No. 2006-115). The most recent agreement expired on September 30, 2009. Under the agreement, the City will continue to provide fuel for the FBI's vehicles upon request. The FBI will reimburse the City for the actual cost of the fuel plus an administrative charge of \$.15 per gallon.

The term of the agreement is one year with an option to extend the agreement for two additional one-year terms. Between 6,000 and 8,000 gallons were used each year under the former agreement; it is estimated that approximately 8,000 gallons of fuel will be used annually by the FBI.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-384
(Int. No. 422)

Authorizing An Agreement With The FBI For The Fueling Of Vehicles

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Federal Bureau of Investigation (FBI) whereby the City shall provide for the fueling of FBI vehicles at 945 Mt. Read Boulevard for a term of one year, with options to renew for two additional one-year terms. The agreement shall obligate the FBI to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon.

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. 2009-385
Re: Agreement - Lu Engineers,
Environmental Investigation of
415 Orchard Street and 354 Whitney
Street

Transmitted herewith for your approval is legislation establishing \$163,237 as maximum compensation for an agreement with Lu Engineers for environmental investigation services related to 415 Orchard Street and 354 Whitney Street. The cost of this agreement will be financed from bonds authorized by City Council in July 2006 (Ordinance No. 2006-227).

The site, two City-owned vacant parcels at 354 Whit-

ney Street and 415 Orchard Street, has a combined area of approximately four acres in a commercial/industrial area on the south side of Lyell Avenue. Since the early 1900s, the property has been used for both commercial and industrial purposes, including tool and die shops, plastics manufacturing, printing operations, metal finishers, electric company and warehousing. From 1930 to 1967, the site was occupied by a General Motors DELCO manufacturing plant.

Both parcels have been vacant since the mid-1990s. In July 2003, a fire destroyed buildings on the Whitney Street parcel; the structures have been demolished by the City to stabilize the site and the property has been fenced off. The City acquired the Orchard and Whitney sites through tax foreclosure in August 2006 and December 2008, respectively. The low-rise structure on the Orchard Street site is scheduled for demolition in late 2009 or early 2010.

Lu Engineers will provide the following services:

- Investigation and evaluation of subsurface contamination of soils and groundwater at three locations:
 - Under the footprint of the 415 Orchard Street low-rise structure,
 - In the vicinity of the former structure on 354 Whitney Street, and
 - The underground storage tank area at the site
- Prepare a project remedial investigation work plan, and NYSDEC health and safety plans,
- Prepare draft and final site investigation and remedy selection reports, including a data usability report,
- Evaluate remedial alternatives consistent with potential site reuses and recommend a preferred approach,
- Prepare a reuse concept plan, with involvement of the community, for use by the City and those interested in redeveloping the Site.

This agreement will have an initial term of two years with provisions for a one-year renewal if necessary. Adjustment to the specific unit prices during the third year will be permitted subject to the City's approval.

The investigation and remedy selection phase is expected to be completed in spring 2010. Upon State approvals of the investigation and cleanup approach, the City will be eligible for cleanup grant funds. Under an ongoing agreement with DEC, which has been extended through December 31, 2011, the City may receive reimbursements for up to 90% of eligible brownfield site investigation and cleanup costs; and 50% of asbestos testing and abatement costs, as well as indemnification from the State.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-385
(Int. No. 433)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street And 354 Whitney Street

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

Section 1. The sum of \$163,237, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engineers for environmental investigation and remedy selection services relating to 415 Orchard Street and 354 Whitney Street. The agreement shall extend for a term of two years, with an option to renew for an additional one-year term. Unit prices may be adjusted during the renewal term with the approval of the City's designated agent. Said amount shall be funded from Bond Ordinance No. 2006-227.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-386
Re: Amending Ordinance No. 2009-156
And the 2009-10 Budget: University
Avenue - ARTWalk2 Project

Transmitted herewith for your approval is legislation related to the University Avenue Improvement and ARTWalk2 Enhancement Project. This legislation will:

1. Amend Ordinance No. 2009-156 to revise the source of funding for an agreement with Bergmann Associates to provide project design services. The ordinance provided for an additional \$930,000 in compensation. The chart below summarizes the original and amended funding sources:

<u>Source</u>	<u>Original Funding</u>	<u>Change</u>	<u>Revised Funding</u>
2006-07 Cash Capital	\$162,900	(\$ 47,600)	\$115,300
2007-08 Cash Capital	6,100	0	6,100
2008-09 Cash Capital	0	47,600	47,600
2007-08 Cash Capital (Water)	12,000	0	12,000
Federal (ARRA)	504,000	(43,850)	460,150
Federal (FHWA)	206,000	(206,000)	0
New York State	39,000	(39,000)	0

	<u>2009-10 Contingency</u>	<u>2009-10 Contingency</u>	<u>2009-10 Contingency</u>
	N/A	288,850	288,850
Total	\$930,000	\$ 0	\$930,000

2. Amend the 2009-10 Budget to transfer \$288,850 from Contingency to the Cash Capital allocation of the Department of Environmental Services to fund a portion of Project design services.

The Bergmann team began work immediately following Council authorization in May 2009 in order to ensure that final project design would be completed by March 2010, the date stipulated by the federal government for use of the ARRA funding. Subsequently, the New York State Department of Transportation (NYSDOT) notified the City that final design performed prior to the August 2009 Federal design approval would not be eligible for reimbursement. In addition, NYSDOT notified the City that the FHWA and NYS appropriations are limited to construction purposes. Changes in the traffic features required for this project revised the funding of the local shares as shown. The amendment of Ordinance No. 2009-156 revises the funding sources to reflect these changes.

The funding changes have not impacted the overall project schedule; design will be completed by early 2010, with construction expected to begin in Spring 2010.

3. Establish maximum compensation for agreements, as below, for appraisal services required for the valuation of properties to establish public easements required for the project. The cost of these agreements will be funded from the ARRA grant appropriated in Ord. No. 2009-156.

<u>Amount</u>	<u>Firm</u>
	<u>Location</u>
\$9,000	Bruckner, Tillet, Rossi, Cahill and Associates 110 Linden Oaks Rochester 14625
\$6,500	Metro Appraisal Associates 4231 W. Ridge Road Rochester 14626

Council authorization for these agreements is requested since both firms are currently under contract with the City for other projects; these new amounts bring each firm above the \$10,000 threshold for Council approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-386
(Int. No. 435)

Amending Ordinance No. 2009-156 And Authorizing Agreements For The University Avenue Improvement And ARTWalk2 Enhancement

Projects And Amending The 2009-10 Budget

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

Section 1. Ordinance No. 2009-156, relating to the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects, is hereby amended by amending the funding, in the maximum amount of \$930,000, for the agreement in Section 1 thereof for final design engineering services to read in its entirety as follows:

Of said amount, \$115,300 shall be funded from the 2006-07 Cash Capital allocation, \$6,100 shall be funded from the 2007-08 Cash Capital allocation, \$12,000 shall be funded from the 2007-08 Water Cash Capital allocation, \$47,600 shall be funded from the 2008-09 Cash Capital allocation, \$460,150 shall be funded from the appropriation made in Section 2 of Ordinance No. 2009-156 and \$288,850 shall be funded from the 2009-10 Cash Capital allocation.

Section 2. The sum of \$9,000, 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 Bruckner, Tillett, Rossi, Cahill and Associates for appraisal services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects. Said amount shall be funded from the appropriation made in Section 2 of Ordinance No. 2009-156.

Section 3. The sum of \$6,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Metro Appraisal Associates for appraisal services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects. Said amount shall be funded from the appropriation made in Section 2 of Ordinance No. 2009-156.

Section 4. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$288,850 from the Contingency allocation to the Cash Capital allocation to partially fund design services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk2 Enhancement Projects.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
November 9, 2009

To the Council:

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

Int. No. 423 - Establishing Maximum Compensa-

tion For A Professional Services Agreement For The Environmental Cleanup Of 300, 304-308 And 320 Andrews Street And 25 Evans Street

Int. No. 424 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcels At 300, 304-308 And 320 Andrews Street And 25 Evans Street In The City

Int. No. 437 - Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages, As Amended

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

Int. No. 425 - Approving The Amended Urban Renewal Plan For The Midtown Urban Renewal Project

Int. No. 426 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Zoning Regulations For The Midtown Urban Renewal Project

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-387 and
Ordinance No. 2009-388
Re: Agreement - Day Environmental,
Environmental Investigation,
Andrews and Evans Streets

Transmitted herewith for your approval is legislation related to an environmental investigation and cleanup services for property located at 300, 304-308, and 320 Andrews Street and 25 Evans Street. This legislation will:

1. Establish \$547,350 as maximum compensation for an agreement with Day Environmental, Inc., Rochester, for environmental investigation and interim remedial cleanup services;
2. Authorize the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance a portion of the cost of the agreement and the City share of the project; and
3. Authorize appropriation of \$472,714 from anticipated reimbursements from the New York State Department of Environmental Conservation (NYSDEC) 1996 Clean Water/Clean Air Bond Act grant funds to finance the balance of

the cost of the agreement.

The City-owned site is approximately 1.5 acres in size, in a commercial area on the north side of Andrews Street and adjacent to the Inner Loop. The several vacant, dilapidated buildings on the site are scheduled for demolition by the City.

This site has been used for various commercial and industrial uses since the early 1920s, including plumbing supply, electrical supply, bakery, printer, commercial bus depot and bus garage, gasoline station, chemical sales/distribution, dry cleaning equipment distributor, fuel oil contractor, and warehousing. Previous investigations identified several recognized environmental conditions of concern, including soil and groundwater contamination that exceeds standards and cleanup objectives.

The New York State Environmental Restoration Program (ERP) grant program reimburses municipalities for up to 90% of eligible brownfield site investigation and cleanup costs, and reimburses municipalities for up to 50% for eligible asbestos testing and abatement and demolition costs associated with cleanup. The ERP also provides indemnification to the City and all subsequent owners of remediated sites if the cleanup is performed in accordance with the NYSDEC Record of Decision.

In July 2009, a request for proposals for project consulting services was issued to seven firms. Proposals were received from Clough Harbour & Associates, Conestoga-Rovers & Associates, Stantec Consulting Services, Leader (teamed with O'Brien & Gere), and Day Environmental (teamed with Lu Engineers). Day Environmental is recommended based on the quality of its proposal, cost, and experience with the ERP, similar brownfield projects, and the proposed project team.

Day Environmental will complete a remedial investigation, including both on- and off-site soil and groundwater contaminations. Their services will include:

- Identification of contaminant source areas
- Preparation of plans for project investigation work, health and safety, and community air monitoring
- Preparation of draft and final site investigations and remedy selection reports
- Scope and implement interim remedial measures
- An evaluation of remedial alternatives consistent with potential reuses of the site, with a recommended preferred alternative

The cost of the agreement includes a 20% contingency to address unanticipated conditions and site restoration.

This agreement will have an initial term of one year with provisions for annual renewals for an additional two-year period. Adjustment to the specific unit

prices during the second and third year will be permitted subject to the City's approval. It is anticipated that the project will take one to two years to complete.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-387
(Int. No. 423)

Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Cleanup Of 300, 304-308 And 320 Andrews Street And 25 Evans Street

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

Section 1. The sum of \$547,350, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Day Environmental, Inc. for environmental investigation and remedial interim cleanup of the City owned parcel at 300, 304-308 and 320 Andrews Street and 25 Evans Street. The agreement shall extend for a term of one year, with an option to renew for two additional one-year terms. Unit prices may be adjusted during the renewal terms with the approval of the City's designated agent. Of said amount, \$472,714 is hereby appropriated from 1996 Clean Water/Clean Air Bond Act Grant Funds and \$74,636 shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-388
(Int. No. 424)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City-Owned Parcels At 300, 304-308 And 320 Andrews Street And 25 Evans Street In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental investigation and remedial interim clean-up of hazardous substances at the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$547,714. The plan of financing includes the issuance of \$75,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$472,714 appropriated from 1996 Clean Water Clean Air Bond Act Grant Funds and the levy and collec-

tion of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-c of the Law, is twenty (20) years.

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

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

Section 7. The validity of the bonds authorized by

this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-389
Re: Holiday Shopper and Special Event
Free Parking at Municipal Parking
Garages

Transmitted herewith for your approval is legislation authorizing the Parking Director to establish a Special Event Free Parking Program in five Municipal Parking Garages for the Liberty Pole Lighting Ceremony, December 5, 2009 and for New Year's Eve, December 31, 2009.

The program authorizes free parking in the following municipal parking garages on the two evenings above, after 6:00 p.m.

High Falls	Washington Square
Sister Cities	South Avenue
Court Street	

The East End Garage, which is operated by the Cultural Center Commission, offers free evening and weekend parking on a year-round basis. The Genesee Crossroads Garage is excluded from the program as a renovation project will be underway at the time of the events and spaces will be restricted.

The cost of this program is estimated at \$8,000 in lost revenue. Approval of this legislation will enable visitors to find free parking at five downtown parking garages for these community events.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-389
(Int. No. 437, As Amended)

Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

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

Section 1. Notwithstanding the rates for parking in municipal parking garages as established in Section 111-119 of the Municipal Code, the Parking Director is hereby authorized to establish a Holiday Shopper and Special Events Free Parking Program in the Court Street, High Falls, Washington Square, Sister Cities and South Avenue Parking Garages. The free parking may be allowed on the [weekday] evenings of December 5 and 31, 2009, after 6:00 P.M. [and all day on Saturday and Sunday, from November 27, 2009 through January 1, 2010].

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-390 and
Ordinance No. 2009-391
Re: Adopting the Amended Midtown
Urban Renewal District Plan

Transmitted herewith for your approval is legislation adopting the amended Midtown Urban Renewal Plan and amending the Zoning Text to reflect the amended plan.

The Midtown Urban Renewal Plan was adopted on March 27, 2007, per Ordinance No. 2007-92. In 2008, the City undertook an extensive planning process relating to the redevelopment of the Midtown Urban Renewal District. The amended Midtown Urban Renewal Plan includes the creation of a new street grid, creation of 6-7 development parcels, retention of the former Midtown Parking Garage, potential retention of the Midtown Tower, creation of open space, and additional design requirements.

The Planning Commission held an informational meeting on March 16, 2009 and recommended approval by a vote of 4 to 0. On October 19, 2009, the Planning Commission will be considering recertification of the March 16, 2009 recommendation. Information pertaining to the October 19, 2009 Planning Commission Meeting is attached.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, a Generic Environmental Impact Statement process was completed on March 3, 2009. City Council adopted a findings statement for the Midtown Redevelopment Project on March 18, 2009 per Ordinance 2009-56. The find-

ings statement is on file with the City Clerk.

Public hearings on the adoption of the amended plan and on the Zoning Text amendment are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-128

Ordinance No. 2009-390
(Int. No. 425)

Approving The Amended Urban Renewal Plan For The Midtown Urban Renewal Project

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

Section 1. The Council hereby approves the following Amended Urban Renewal Plan for the Midtown Urban Renewal Project:

AMENDED MIDTOWN
URBAN RENEWAL PLAN

I. DESCRIPTION OF PROJECT

A. LOCATION BOUNDARY

The Midtown Urban Renewal Project is centrally located in downtown Rochester, New York. The district is bounded by East Main Street to the north, Clinton Avenue to the west, Broad Street to the south, and Chestnut and Euclid Streets to the east. Exhibit A includes the project District Boundary Map.

B. LEGAL DESCRIPTION

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW), thence
- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence
- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance

of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence

- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

C. BACKGROUND

The project area is a 12.96 acre site and contains 16 parcels. Approximately 8 acres of the project area is occupied by Midtown Plaza: a 1.4 million square foot mixed-use, office and retail complex. The project area also includes a number of smaller underutilized and vacant buildings, primarily fronting on Chestnut Street. Midtown Plaza was constructed in 1962 as an enclosed shopping mall which was a destination for most city and county residents for years. The Plaza was anchored by two department stores, McCurdy's and B. Forman, and Wegmans Food Market. The complex also included a 17-story office building and a 1,800-car underground parking garage. The decline of Midtown Plaza began during the rise of suburban shopping malls in the Rochester region. By the mid 1990's, the Midtown retail anchors had closed, leaving a significant amount of vacant space.

The Midtown Urban Renewal District was adopted through Ordinance No. 2007-92 on March 27, 2007. At the time, Midtown was 60% vacant. This vacancy rate increased to over 86% in spring 2007 when the last major office tenant relocated to another property. The principal Plaza properties were subsequently acquired by the City in early 2008. At about that time, the telecommunications company PAETEC Holding Corp. (PAETEC) expressed an interest in constructing a new corporate headquarters and operations center at the site. Empire State Development Corp. ("ESDC") agreed to partner with the City to complete abatement and remediation of asbestos and other recognized environmental conditions within the Plaza properties to accommodate private development including a potential site for PAETEC's proposed headquarters. A consultant team was hired to develop a marketing strategy and plan for the redevelopment of the entire Urban Renewal Area.

The land use plan that resulted from the extensive planning process is conceptually depicted in Exhibit B. It consists of new streets, open

space, utilities, and suggested land uses that will reconnect the site to the Center City and neighboring areas such as the East End.

II. URBAN RENEWAL OBJECTIVES

The following are key objectives for the Midtown Urban Renewal District:

- A. To eliminate substandard and deteriorated structures and other blighting influences in the project area;
- B. To promote economic development in and around the project area;
- C. To acquire underutilized and vacant properties in the project area for economic development purposes;
- D. To sell city and agency acquired properties for private development;
- E. To generate additional jobs and municipal tax base within the project area; and
- F. To promote uses of underutilized land and buildings within the urban renewal area consistent with the Center City Master Plan, City Zoning Code, and the Urban Renewal Plan.

III. URBAN RENEWAL ACTIONS:

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners;
- B. Provide relocation assistance, when necessary, in accordance with applicable relocation guidelines;
- C. Undertake asbestos removal;
- D. Demolish and remove substandard and deteriorated structures in the project area that are not economically feasible to renovate;
- E. Develop a street grid and open space system that breaks down the block, improves public access, and reconnects the site to neighboring areas. (See Exhibit C)
- F. Dispose of project area development opportunities by sale to qualified developers for renovation or redevelopment.

IV. LAND USE PLAN

A. PURPOSE:

The Midtown Urban Renewal District is integral to the revitalization of the core Center City of Rochester. Implementation of the plan, guided by the Redevelopment Guidelines (see Exhibit D) and City Zoning Code, will emphasize and strengthen downtown as the region's center for business, entertainment,

cultural assets and urban living.

The following Comprehensive Plan campaign goals are supported by this plan:

CAMPAIGN SIX - ECONOMIC VITALITY

Goals:

- (B) Develop a business and financial environment that encourages business 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.
- (F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and preservation.
- (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 TEN - CENTER CITY

Goals:

- (A) Reduce the office and commercial (retail) vacancy rate within our "Center City" through appropriate actions that include attraction of new tenants as well as the removal or conversion of unneeded space.
- (B) Develop unique festivals, events, celebrations and venues within our "Center City" that help create and enhance its identity, draw businesses, residents and visitors and provide a strong "sense of

place" and identity for our community.

- (C) Encourage the development of an economically viable "Center City" that functions as the region's 24-hour activity center and is a safe and attractive environment for the cultural, nightlife, business, arts and entertainment center of our region.
- (D) Increase the number of people living in our "Center City" through affordable as well as market-rate housing development.
- (E) Create a strong, competitive and marketable identity for our "Center City" that is locally, regionally and nationally recognized.
- (H) Create a strong visual and aesthetic image for our "Center City" through articulated urban design and unique and inspiring architectural form.

B. LAND USE REGULATIONS

1. Development within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. All of the requirements of the CCD contained in the Rochester Zoning Code shall apply, except proposed demolition is not subject to the requirements of Section 120-65B.
2. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:
 - a. Warehousing and distribution, unless accessory to the principal use of the property;
 - b. Rooming houses;
 - c. Recycling Centers; and
 - d. Vehicle repair.
3. Development shall be guided by the design principles outlined in Exhibit D.

V. ACQUISITION AND DISPOSITION PLAN (see Exhibit E for Land Acquisition Map and Exhibit F for Land Disposition Map)

A. ACQUISITION PARCELS

233-247, 249-253, and 255-257 E. Main Street.

B. DISPOSITION PARCELS

The City or Agency may sell the following properties without public auction or sealed bid

to a qualified and eligible sponsor pursuant to Article 15, N.Y.S. Urban Renewal Law, S 507 2(c). Properties may be sold individually or collectively to a private developer or developers for uses consistent with the CCD Zoning District and the Urban Renewal Plan.

- 1. Midtown Parcels, including 18-26, 32-58, 80 S. Clinton Avenue and 285 E. Main Street.
- 2. 88-94 Elm Street.
- 3. 233-247, 249-253, and 255-257 E. Main Street.

VI. URBAN RENEWAL PROCEDURES AND PROPOSALS

REVIEW OF SITE AND DEVELOPMENT PLANS:

Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, 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 Urban Renewal Plan and its objectives.

VII. TERM OF URBAN RENEWAL PLAN

This Urban Renewal Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VIII. OBLIGATION 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 purchaser(s) or lessee(s) and their successor(s) or assign(s) shall be obligated by the terms of the contract to devote such land to 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 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

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code of the City of Rochester shall be amended to include Section IV of the plan.

XI. SPECIAL PROVISIONS

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.

XII. APPENDICES

- EXHIBIT A. District Boundary Map
- EXHIBIT B. Concept Land Use Map
- EXHIBIT C. Proposed Street Grid
- EXHIBIT D. Redevelopment Guidelines
- EXHIBIT E. Land Acquisition Map
- EXHIBIT F. Land Disposition Map

Section 2. The Council finds that:

- a. The Midtown 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 Amended Midtown 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 Amended Urban Renewal Plan for the Midtown 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. 2009-391
(Int. No. 426)

Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Zoning Regulations For The Midtown 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 amending Subsection O thereof to read in its entirety as follows:

- O. Midtown Urban Renewal District.
 - (1) Land Use Regulations.
 - (a) Development within the Midtown Urban Renewal District will be regulated by the Center City District (CCD) Zoning. All of the requirements of the CCD contained in the Rochester Zoning Code shall apply, except proposed demolition is not subject to the requirements of Section

120-65B.

(b) The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

[1] Warehousing and distribution, unless accessory to the principal use of the property;

[2] Rooming houses;

[3] Recycling Centers; and

[4] Vehicle repair.

(c) Development shall be guided by the design principles outlined in Exhibit D of the Amended Midtown Urban Renewal Plan.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
November 9, 2009

To the Council:

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

Int. No. 427 - Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 Budget

Int. No. 428 - Authorizing An Agreement For A Domestic Abuse Response Team Grant And Amending The 2009-10 Budget

Int. No. 429 - Establishing Maximum Compensation For A Professional Services Agreement For A Youth Violence Dispute And Gang Mapping System

Int. No. 430 - Authorizing An Agreement For Special Events Services For The School District And Amending The 2009-10 Budget

Int. No. 431 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Horticultural Services

Int. No. 432 - Authorizing An Agreement And Amending The 2009-10 Budget For A Credit Education Bureau Grant

Int. No. 436 - Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services

Respectfully submitted,
Adam C. McFadden
Dana K. Miller

Elaine M. Spaul
Gladys Santiago
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-392
Re: New York State Office of Homeland Security - Bomb Squad Initiative Grant

Transmitted herewith for your approval is legislation authorizing an application and agreement with NYS Office of Homeland Security (OHS) for the receipt and use of a \$110,000 Bomb Squad Initiative Program grant, and amending the 2009-10 Police Department Budget by \$10,000 and the 2009-10 Cash Capital allocation by \$100,000 to reflect the award.

The program provides direct funding to local government bomb squads to upgrade their equipment and improve their preparedness for homeland security issues. This award will be directed for the purchase of a new bomb squad vehicle and training. This is a new initiative, although similar funding has been provided in the past through the Law Enforcement Terrorism Prevention Program.

This grant covers the period September 1, 2008 through August 31, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-392
(Int. No. 427)

Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for a Bomb Squad Initiative Program Grant for the period from September 1, 2008 through August 31, 2011.

Section 2. Ordinance No. 2009-188, the 2009-10 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 and to the Cash Capital allocation by the sum of \$100,000, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect imme-

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-393
Re: Agreement, County of Monroe,
Domestic Abuse Response Team
Grant and Budget Amendment

Transmitted herewith for your approval is legislation authorizing an agreement with the County of Monroe for the receipt and use of a grant in an amount of up to \$114,000 for support of a domestic abuse response team; and amending the 2009-10 Budget of the Police Department by \$29,000 and Undistributed by \$3,300 to reflect a portion of the additional revenue and expenses associated with the program. The remaining funds will be appropriated in the 2010-11 Budget.

The County recently received a \$750,000 grant through the U.S. Department of Justice, Office on Violence Against Women under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (GTEA). The program enhances victim safety and offender accountability in cases of domestic violence, dating violence, sexual assault and stalking, by encouraging jurisdictions to implement pro-arrest policies as an effective intervention that is part of a coordinated community response.

The application was submitted by the Rochester/Monroe County Domestic Violence Consortium, whose partners include the Monroe County Probation Department, the Monroe County District Attorney's Office, Alternatives for Battered Women, the Legal Aid Society of Rochester, NY, Inc., and the Rochester Police Department. Under this agreement, the County will provide a subaward of \$114,000 to the RPD to support a Domestic Abuse Response Team that will include Police overtime, a part-time counseling position, and training expenses.

The term of the grant is September 23, 2009 through September 22, 2011. This is a new grant program and no match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-393
(Int. No. 428)

Authorizing An Agreement For A Domestic Abuse Response Team Grant And Amending The 2009-10 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for a Domestic Abuse Response Team in the Police Department for two years.

Section 2. Ordinance No. 2009-188, the 2009-10 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 \$29,000 and to Undistributed Expense by the sum of \$3,300, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-394
Re: Agreement - Rochester Institute
Of Technology, Pathways To Peace
Training

Transmitted herewith for your approval is legislation establishing \$6,000 as maximum compensation for an agreement with the Rochester Institute of Technology Department of Criminal Justice to provide software implementation and training services. The cost of the agreement will be funded from 2007-08 Cash Capital. These funds are part of a previously appropriated Edward Byrne Grant.

RIT will provide an analyst who will implement the ARC Explorer software and train Pathways to Peace staff in its use. This software is a system for mapping incidents of youth violence and gang activity.

The data will be used for monitoring on-going disputes that have previous or high potential for violence. This technology will increase Pathways to Peace's ability to target street outreach efforts and offer intervention and prevention alternatives in potentially violent altercations.

This agreement does not meet the threshold requiring Council authorization; however, there are other current agreements with RIT that exceed the \$10,000 threshold.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-394
(Int. No. 429)

Establishing Maximum Compensation For A Professional Services Agreement For A Youth Violence Dispute And Gang Mapping System

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

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services

agreement between the City and the Rochester Institute of Technology for services for the Youth Violence Dispute and Gang Mapping System. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-395
Re: Agreement - Rochester City School District, Traffic and Crowd Control Services

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the reimbursement of the cost of traffic and crowd control services provided by the City, and amending the 2009-10 Budget of the Police Department by \$30,000 to reflect the revenue and expenditure of these funds.

The School District has requested assignment of City Police Officers on a reimbursable overtime basis for traffic and crowd control at events sponsored in part or in full by the School District, including football games, basketball games, and graduation ceremonies. The agreement will provide for reimbursement by the School District of the cost of these services, at the applicable current regular rates, up to a maximum of \$30,000, during fiscal year 2009-10.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-395
(Int. No. 430)

Authorizing An Agreement For Special Events Services For The School District And Amending The 2009-10 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 City School District whereby the District shall reimburse the City for traffic and crowd control services provided at District events.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$30,000, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-396
Re: Amendatory Agreement - Michael Warren Thomas, Horticultural/Environmental Education

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Michael Warren Thomas, 19 Trafalgar Street, Rochester, 14619 for continued horticultural and environmental education services. This amendment will increase maximum compensation by \$6,000 for a total of \$12,000, and extend the term from December 31, 2009 to February 28, 2010. The additional cost will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Since September 14, 2009, Mr. Thomas has been providing technical and logistical expertise in horticultural and environmental education and programming as well as assisting with the Flower City Looking Good Program. He also provides technical assistance to the City and neighborhood groups on design and maintenance of gardens and other landscape projects.

The City position of Horticultural Technician is currently vacant and is in the process of being redesigned to better fit current needs. During this process, Mr. Thomas is providing much needed expertise.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-396
(Int. No. 431)

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

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

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Michael Warren Thomas for horticultural services. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-397
Re: Budget Amendment - The Credit
Education Bureau Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Credit Education Bureau for receipt and use of a grant for \$5,000, and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

The funds will be used to support the research and writing of grants that might contribute to sustaining Biz Kid\$ programs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-397
(Int. No. 432)

Authorizing An Agreement And Amending The 2009-10 Budget For A Credit Education Bureau Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Credit Education Bureau for funding for research grant writing for the Biz Kid\$ & Beyond and Biz Kid\$ Real Programs.

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

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the research grant writing.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-398
Re: Agreement - Sam Asher Computing
Services, Hyper-Reach Notification
System

Transmitted herewith for your approval is legislation establishing \$28,000 as maximum compensation for an agreement with Sam Asher Computing Services, Inc., for access to the consultant's outbound telephone notification system called Hyper-Reach. The consultant has provided services to the Police Department since November 2005. Funding for the agreement is available in the 2009-10 Budget of the Police Department and includes \$20,000 from the IMPACT VI grant previously appropriated by City

Council under ordinance #2009-328.

The Hyper-Reach system enables the user to instantly send pre-recorded messages to a pre-determined list of clients. The message can be modified and efficiently delivered to a large number of recipients in a short time span. The Police Department currently uses the system to contact potential Police Officer recruits at various stages of the application and approval process. During 2009-10, the system also will be used for emergency notification in police emergency situations. Authorized users will be able to call up a Google map and trace the exact geographic area that needs to be notified. Messages can be sent via voice or text.

Similar services are provided by the consultant to the Emergency Communications Department under a separate agreement (Ordinance No. 2007-473).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-398
(Int. No. 436)

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

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$28,000, 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 Sam Asher Computing Services, Inc. for telephone notification system services for the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 388 from Committee.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 388.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

Introductory No. 388 was introduced October 13, 2009 and appears in its original form with its transmittal letter on page 350 of the current Council Proceedings.

Attachment No. AI-129

Ordinance No. 2009-399
(Int. No. 388, As Amended)

Authorizing Agreements For The Hillside Work Scholarship Connection Program And Amending The 2009-10 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 City School District for reimbursement in the amount of \$[600,000] 1,200,000 for the Hillside Work Scholarship Connection Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Hillside Children's Center for the Hillside Work Scholarship Connection Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$[1,000,000] 1,200,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$600,000, which amount is hereby appropriated from funds to be received from the City School District pursuant to the agreement authorized in Section 1.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:30 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
DECEMBER 15, 2009

Present - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Absent - President Santiago - 1.

The Council Vice President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremonies

- Retirement:
 - Environmental Services
 - *Paul A. Lenhard
 - Fire Department
 - Richard P. Mattice
 - *Donald J. Sauer, Jr.
 - Police Department
 - *Kathie M. Hoff
 - *David R. Mace
 - *David E. Morales

- Presentations To Outgoing Councilmembers:
 - John F. Lightfoot
 - William F. Pritchard
 - *Gladys Santiago

*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of November 9, 2009 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 3998-09
 - Public Disclosure - HOME Participation (2) 3999-09, 4000-09
 - Quarterly Reports 4001-09
 - Liability Claims
 - Compensation Claims

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Councilmember McFadden presented a petition against red light cameras, with 44 signatures. Petition No. 1641

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Changing The Zoning Classification Of A Portion Of 583-585 Hudson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center Int. No. 452 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Hudson Avenue And Clifford Avenue Int. No. 453 No speakers.

Changing The Zoning Classification Of A Portion Of 85 Palm Street From M-1 Industrial To R-1 Low Density Residential Int. No. 454 No speakers.

Approving Changes In The Pavement Width Of University Avenue And North Goodman Street Int. No. 468 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
December 15, 2009

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 440 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 441 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Spanish Translation Services

Int. No. 442 - Establishing Maximum Compensation For A Professional Services Agreement For Dental Insurance Administration Services

Int. No. 443 - Establishing Maximum Compensation For A Professional Services Agreement For COBRA Administration Services

Int. No. 444 - Establishing Maximum Compensation For A Professional Services Agreement For Computing Systems Engineering Services

Int. No. 445 - Resolution Approving An Appointment To The Board Of Assessment Review

Int. No. 446 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 447 - Amending The Budget For Transition Expenses, As Amended

Int. No. 466 - Establishing Maximum Compensation For A Professional Services Agreement For Computing Systems Replacement

Int. No. 470 - Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Stormwater Pollution Prevention Measures

Int. No. 471 - Amending The Municipal Code With Respect To The Parking Director

Int. No. 472 - Amending The Municipal Code With Respect To Code Enforcement Procedures And Charges

Int. No. 473 - Local Law Amending The Charter Of The City Of Rochester With Respect To Delegation Of Authority By The Mayor

Int. No. 474 - Amending The Municipal Code With Respect To Air Guns

Int. No. 475 - Amending The Municipal Code With Respect To The Director Of Planning And Zoning

Int. No. 476 - Amending Ordinance No. 2009-386, Relating To The University Avenue Improvement And ARTWalk2 Enhancement Projects And Ordinance No. 2008-178 To Provide Ashwood Drive Funding, As Amended

Int. No. 477 - Local Law Amending The Charter Of The City Of Rochester With Respect To Official Newspapers

Int. No. 478 - Amending The Municipal Code With Respect To Official Newspapers

Int. No. 484 - Local Law Amending The City Charter With Respect To The Salary Of The Mayor

Int. No. 485 - Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-400
Re: Authorization - Tax Cancellations
And Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2010.

Each year, approximately 63,000 tax bills are issued by the City. In 2008-09, the most recently completed fiscal year, these bills contained City and School taxes, charges and fees totaling \$196,088,229.88.

Of this amount, taxes and charges totaling \$1,678,907.80, or 0.86%, of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 250 accounts, or 0.40%, of the total number.

Pursuant to Section 556 of the N.Y.S. Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of

Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on December 23, 2008. To date for calendar year 2009, the Director of Finance has authorized cancellations totaling \$36,519.82 for 107 accounts.

Reapproval of this delegation of authority is requested for 2010. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to be applicable:

- 1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
- 2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-400
(Int. No. 440)

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 2010.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-401
Re: Amendatory Agreement - Spanish
Communication Services, Inc.,
Spanish Translation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Spanish Communication Services, Inc., Rochester, to provide additional English-to-Spanish translation of City-produced literature and other materials. The original agreement, executed in October 2009, established maximum compensation of \$10,000 for a term of one year. This amendment will extend the original agreement by four years to October 2014, and increase compensation by \$50,000 for a maximum of \$60,000. The cost will be funded from the annual Budgets of the Bureau of Communications (\$10,000), and the departments requiring translation services.

In previous years, the costs for Spanish translation have been: \$7,635 (2006-07); \$9,285 (2007-08); and \$11,280 (2008-09). To date, \$4,750 has been spent in 2009-10.

This amendatory agreement will provide resources to meet the growing demand for translation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-401
(Int. No. 441)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Spanish Translation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Spanish Communication Services, Inc. for Spanish translation services for the City through October, 2014. Of said amount, \$10,000 annually shall be funded from the 2009-10 and subsequent budgets of the Bureau of Communications and the remainder shall be funded from the annual budgets of the Departments requesting the translation services, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-402
Re: Agreement - Guardian Life
Insurance Company of America,
Employee Dental Plan

Transmitted herewith for your approval is legislation establishing \$62,100 as maximum total compensation for a two-year agreement with Guardian Life Insurance Company of America for administration of a dental insurance plan for the Administrative, Professional and Technical (APT) and Confidential employee groups. The annual cost of the agreement, \$31,050, will be funded from the 2009-10 Budget for Undistributed Expense, and the 2010-11 Budget for Undistributed Expense, pending approval.

Bids for these services were solicited resulting in five vendor submissions. In addition to Guardian, proposals were received from SunLife, Cigna, Delta Dental, and Aetna.

Guardian has provided dental benefits for the City on an insured basis since 2006. The recommendation to continue with Guardian and move to a self-funded arrangement for this employee group is based on the following:

- The proposed monthly rate of \$5.90 per enrollee/per month is lower than all of the other received proposals.
- Savings for the City are estimated at \$38,000 annually by making this change.
- Paid dental claims have been significantly lower than premiums paid for the insured plans consistently over the past four years.
- Participants are provided an annual maximum benefit of \$1,000 which limits the City's liability with regard to large claims.
- Effective relationships with Guardian have been developed in all areas of plan management including the billing and reconciliation process, production of reports and online administrative capabilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-402
(Int. No. 442)

Establishing Maximum Compensation For A Professional Services Agreement For Dental Insurance Administration Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$31,050, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a profes-

sional services agreement between the City and Guardian Life Insurance Company of America for administration of the Guardian Dental Insurance Plan for Administrative, Professional and Technical and Confidential City employees for a term of two years. Said amounts shall be funded from the 2009-10 and 2010-11 Budgets for Undistributed Expense, contingent upon approval of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-403
Re: Agreement - EBS-RMSCO, COBRA
Administration Services

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum annual compensation for a three-year agreement with EBS-RMSCO, An Excellus Company, for COBRA administration services. The agreement will be funded from the 2009-10 and subsequent annual Budgets for Undistributed Expense.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) was enacted by Congress in 1986 to provide continuation of group health coverage that otherwise might be terminated. COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children access to temporary continuation of health coverage at group rates.

Administration of COBRA includes very specific guidelines that are dictated by the U.S. Department of Labor and require mailing a variety of notifications to potential and covered participants. These notifications inform participants of their rights to continuation coverage and are mailed when initially enrolled in health insurance, when making any changes to coverage and if/when coverage is lost.

Bids for this service were solicited resulting in four vendor submissions: EBS-RMSCO, MVP Healthcare, Heath Economics Group, and Benefits Plus of NY. The contract with Benefits Plus, who currently handles a portion of the City's COBRA process, expires December 31, 2009.

EBS-RMSCO is recommended based on the following:

- Their proposed rates are guaranteed for three years and include full administration of the COBRA process, including notifications, invoicing, collecting premiums and maintaining required logs of activity.
- The firm is located in Rochester and has the capability and resources required to address continually changing compliance requirements in all areas of benefits regulations.

The term of the agreement will be for three years -

January 1, 2010 through December 31, 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-403
(Int. No. 443)

Establishing Maximum Compensation For A Professional Services Agreement For COBRA Administration 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 annual compensation to be paid for a professional services agreement between the City and EBS-RMSCO for COBRA administration services for a term of three years. Said amounts shall be funded from the 2009-10, 2010-11 and 2011-12 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2009-404
Re: Agreement - Technisource,
Computing Infrastructure Systems
Engineering

Transmitted herewith for your approval is legislation establishing \$149,760 as maximum compensation for an agreement with Technisource, a division of Spherion Atlantic Enterprises, LLC , Fairport, NY, for services to support the implementation of information systems for the Finance Department and the Bureau of Human Resource Management. The cost of this agreement will be funded from the 2009-10 Budget of the Information Technology Department.

Technisource will use their expertise in computer system engineering to guide the evaluation, selection, and deployment of the infrastructure required to support the implementation of new information systems for the City. This will include developing a data center to support ERP software, and network engineering and telecommunication business functions.

Technisource is recommended for these services based on its ability to provide high quality at a fair price; the firm is also a New York State Contract vendor.

The term of this agreement will be for one year. Using these services on a consultant basis will enable the ITD to determine its long-term staffing needs related to ERP implementation and management.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-404
(Int. No. 444)

Establishing Maximum Compensation For A Professional Services Agreement For Computing Systems Engineering Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$149,760, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Technisource for systems engineering services for the Finance and Human Resource Management Information Systems implementation. Said amount shall be funded from the 2009-10 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-18
Re: Appointment - Board of
Assessment Review

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Board of Assessment Review for a five-year term through September 30, 2014:

Carl C. Klein
290 Westminster Road
Rochester, NY 14607

Mr. Klein will replace Robert Boxer, whose term has expired. Prior to his retirement, Mr. Klein served for twenty-seven years as a staff Assessor for the City, specializing in commercial properties. He was a temporary member of the Board of Assessment Review for the past two years. A copy of his resume is on file in the City Clerk's Office.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2009-18
(Int. No. 445)

Resolution Approving An Appointment To The Board Of Assessment Review

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Carl C. Klein, 290 Westminster Road, Rochester, NY 14607 to the Board of As-

assessment Review for a term that will expire on September 30, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-19
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:

Peter J. Easterly Justin R. Martin
65 Beacon Street 232 Henrietta Street
Rochester, NY 14607 Rochester, NY 14620

Barbara M. Story Ruth Brooks Ward
1598 Highland Avenue 104 Melrose Street
Rochester, NY 14618 Rochester, NY 14619

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that four panelists will be required for the workload in the coming cycle.

The four temporary members would each serve for one year and would receive the same compensation rate as permanent board members. Hearings will be conducted by panels of three members each, drawn from the pool of eleven. Each panel would have a minimum of one permanent Board member who would serve as its Chair.

The City successfully utilized three-member assessment review panels during the revaluations of 1984, 1986, 1990, 1996, 2000, 2004 and 2008, as well as during the intervening years. As in the past, all panel decisions would be reviewed by the permanent Board in executive session. The Board of Assessment Review would have the option of accepting or modifying a panel's decision or, if necessary, scheduling a second hearing with the property owner and the Assessor to reexamine the facts and testimony.

Approval of the appointments will allow members to receive mandatory training by the County before hearings begin in March. The appointment of additional board members will have no impact on the City's budget.

Respectfully submitted,
Gladys Santiago
President

Resolution No. 2009-19
(Int. No. 446)

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 2010:

Peter J. Easterly Justin R. Martin
65 Beacon Street 232 Henrietta Street
Rochester, NY 14607 Rochester, NY 14620

Barbara M. Story Ruth Brooks Ward
1598 Highland Avenue 104 Melrose Street
Rochester, NY 14618 Rochester, NY 14619

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. 2009-405
Re: Transition Expenses

Transmitted herewith for your approval is legislation transferring \$30,000 from the Contingency account to the Budget of the City Council/City Clerk for transition expenses. As you know, the City Council's long-time Chief of Staff, William F. Sullivan, will be retiring on January 22, 2010. Council is currently considering potential replacements for that position and is hoping to have someone in place shortly after the beginning of the year to work with Mr. Sullivan for several weeks through the end of his service.

In addition, there will be three new Councilmembers joining Council in January, the largest influx of new members in twenty years. As a result, it may be necessary to authorize additional expenditures for consulting services over the coming months to ensure a seamless transition. The proposed transfer from Contingency should provide adequate funds for both purposes.

Respectfully submitted,
Gladys Santiago Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2009-405
(Int. No. 447, As Amended)

Amending The Budget For Transition Expenses

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ord. No. 2009-[234] 188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency account to the

Budget of the City Council/City Clerk for transition expenditures.

Section 2. Ord. No. 2009-184 is hereby amended by changing the purpose of a \$3,000 allocation from Mr. & Mrs. Trendsetter Fashion Show to an Anti-Violence Concert at the War Memorial.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-406
Re: Agreement - Tyler Technologies, Inc., Information Technology Management System/Enterprise Resource Program Infrastructure

Transmitted herewith for your approval is legislation establishing \$5,000,000 as maximum compensation for an agreement with Tyler Technologies, Inc., Falmouth, Maine, to provide software and services related to the implementation of the first project as part of the City's long-term plan to replace existing computing and mainframe systems. The cost of this agreement will be funded from the Cash Capital allocations of the annual Budget as follows: 2009-10 - \$1,808,681; 2008-09 - \$1,394,168; and 2006-07 - \$797,151. The balance of \$1,000,000, will be funded from future Cash Capital allocations as planned for in the Capital Improvement Plan. The term of the agreement will be for five years.

The City's current main-frame and in-house computing and software systems are out-dated; maintaining and updating them is costly and inefficient. A comprehensive upgrade will integrate and streamline several processes, providing both system and fiscal efficiencies, as well as flexibility for future computing and information technology needs. This approach, known as enterprise resource programs, will eliminate dependence on the mainframe and the numerous process-specific programs currently in use.

The long-term plan consists of a multi-phase implementation of Back Office and Front Office Programs, Fire and Police Programs, and hardware replacement. In this first project, Tyler will address the Back Office systems and will provide a software solution to address financial processes (specifically accounting and purchasing) and processes used by the Municipal Parking Bureau. Future projects will address payroll, assessment, budgeting, and human resource management processes.

Tyler will provide software and implementation services including project management, data migration, change management, system integration, system configuration, and training. Successful

implementation will depend on effective, comprehensive training and change management, which may require additional services from other vendors for efficiency and cost savings. Should this need arise, separate action will be requested of Council.

A request for proposals for these services was issued in July 2008 directly to eight firms and posted on the City Web site. Responses were received from ten firms. Initial review identified three firms for full interviews and demonstrations - Tyler Technologies, Oracle, and Lawson. Based on final review and reference checks, Tyler Technologies is recommended as uniquely qualified based on its expertise with Government systems, overall experience and success in providing similar services to other clients, and their ability to provide an enterprise solution to replace several legacy systems.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-406
(Int. No. 466)

Establishing Maximum Compensation For A Professional Services Agreement For Computing Systems Replacement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$5,000,000, 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 Tyler Technologies, Inc. for the first phase of the City's replacement of existing computing and mainframe systems. The agreement shall extend for a term of five years. Of said amount, \$797,151 shall be funded from the 2006-07 Cash Capital allocation, \$1,394,168 shall be funded from the 2008-09 Cash Capital allocation and \$1,808,681 shall be funded from the 2009-10 Cash Capital allocation, and \$1,000,000 shall be funded from future Cash Capital allocations, contingent upon adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-407,
Ordinance No. 2009-408,
Ordinance No. 2009-409,
Local Law No. 9,
Ordinance No. 2009-410,
Ordinance No. 2009-411,
Ordinance No. 2009-412,
Local Law No. 10 and
Ordinance No. 2009-413
Re: Technical Amendments

Transmitted herewith for your approval is legislation making technical amendments to the City Charter and Code and a previous ordinance as follows:

1. Amend various provisions of the Stormwater regulations to correct certain references. Section 39-444 contained two references to fees in Section 39-450, which does not contain fees, and Section 39-448 referred to itself instead of Section 39-427.
2. Amend the Vehicle and Traffic Code to clarify that the Parking Director has the authority to approve rates for parking in City-owned parking lots and to authorize the Parking Director to approve the immobilization of vehicles. The approval of parking lot rates has traditionally been an administrative function accomplished by the Municipal Parking Coordinator through operator agreements approved by the Council. The Council will still be required to approve the terms of the agreements. Parking monitors, who are now under the Parking Director, have identified the vehicles to be immobilized with the approval of a police officer. The amendment will allow the Parking Director as well as police officers to approve the immobilization. Towing companies have generally immobilized the vehicles.
3. Amend various sections of the Municipal Code with respect to the new Department of Neighborhood and Business Development and to clarify due process procedures for notices and orders, vacate orders and the case management fee.
4. Amend the City Charter to clarify the power of the Mayor to delegate to the Commissioner of Neighborhood and Business Development authority to execute agreements. In light of the recent Department changes, this amendment will allow the Commissioner to delegate such power to other NBD officials with the approval of the Mayor. The Commissioner approves a number of small loans and grants through programs approved by the City Council which can more efficiently be approved by other members of the NBD staff.
5. Amend the City Code to provide a new definition of "air gun" for the firearms regulations found in Section 47-5. The previous definition was found to be too broad by the Supreme Court, Monroe County, because it could apply to objects like staple guns or nail guns that were not designed as weapons.
6. Amend the Zoning Code to clarify that the Director of Planning and Zoning may delegate authority to administer the Zoning Code. This power is already provided in the City Charter and in the definitions found in the Zoning Code. This amendment will also provide the delegation power in the applicable administrative and procedural sections of the Code, so that the authority is obvious to per-

sons needing various zoning approvals. The Manager of Zoning has general responsibility for administration of the Zoning Code.

7. Amend Ordinance No. 2009-386, relating to the University Avenue Improvement and ARTWalk2 Enhancement Projects, which amended the 2009-10 Budget of the City of Rochester by transferring funds from Contingency for the Projects, to round the amount of the transfer from \$288,850 to \$288,900 to meet budget requirements.
8. Amend the City Charter and City Code to consistently refer to notices appearing in an official newspaper of the City and to provide for the designation of up to four official newspapers. Although most notices appear in either the Democrat and Chronicle or the Daily Record, some notices are appropriately placed in the City Newspaper and Council may also consider allowing appropriate notices to be placed in the Rochester Business Journal.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-407
(Int. No. 470)

Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Stormwater Pollution Prevention Measures

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 39-444 of the Municipal Code, Compliance, as amended, is hereby further amended by amending Subsections C(4) and (5) thereof to read in their entirety as follows:

- (4) Any applicable fees.
- (5) The SWPPP shall be prepared to meet the requirements of Section 39-447 through Section 39-449. The Maintenance Agreement shall be prepared to meet the requirements of Section 39-449.

Section 2. Section 39-448 of the Municipal Code, Compliance, as amended, is hereby further amended by amending Subsections C(1) thereof to read in its entirety as follows:

- (1) All information listed in Section 39-427, Stormwater pollution prevention plan requirements.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-408
(Int. No. 471)

Amending The Municipal Code With Respect To The Parking Director

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-77 of the Municipal Code, Immobilization of vehicles, as amended, is hereby further amended by deleting the words "an officer or member of the Police Department" in each place that they appear in Subsection A thereof and by inserting in their place the words "a police officer or the Parking Director".

Section 2. Section 111-77 of the Municipal Code is hereby further amended by deleting the words "the officer or member of the Police Department" in each place that they appear in Subsection A thereof and by inserting in their place the words "the police officer or Parking Director".

Section 3. Section 111-107 of the Municipal Code, Fees for use of individual parking spaces, as amended, is hereby further amended by adding to the end of Subsection A thereof the following new sentence:

The Parking Director shall approve the fees for parking in parking stations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-409
(Int. No. 472)

Amending The Municipal Code With Respect To Code Enforcement Procedures And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 52-5 of the Municipal Code, Nuisances, as amended, is hereby further amended by amending Subsections A(2) thereof to read in its entirety as follows:

- (2) Whenever the Commissioner causes a notice and order to be issued pursuant to this chapter requiring the owner to remedy existing nuisances or violations, the owner may request a meeting with the Commissioner or his or her designee. The meeting shall be held prior to the expiration of the period for compliance so prescribed. When a vacate order has been issued, the procedures set forth in Section 52-5A(3) shall apply.

Section 2. Section 52-5 of the Municipal Code is hereby further amended by amending the final sentence of Subsection C(1) thereof to read in its entirety as follows:

The Department shall keep a record of such notices and orders, together with the acts done and items of cost incurred in their execution.

Section 3. Section 54-24 of the Municipal Code, relating to enforcement of the Fire Prevention Code, as amended, is hereby further amended by deleting the words "NET Director or" where they are contained in Subsection B thereof.

Section 4. Section 59-53 of the Municipal Code, relating to enforcement of the Health and Sanitation Code, as amended, is hereby further amended by deleting the reference to "§ 90-25" where it is contained in Subsection D thereof and by inserting in its place the reference "§ 90-16".

Section 5. Section 90-21 of the Municipal Code, Fees for inspections, as amended, is hereby further amended by amending Subsection F thereof to read in its entirety as follows:

- F. All notice and orders shall contain a statement that any cited violation which is not abated within one (1) year of the issuance date will be subject to a case management fee of \$100. Upon the expiration of the one (1) year period, the Director of Inspection and Compliance Services or his or her designee shall review the case file and notify the property owner of the assessment of the fee in writing by first class mail addressed to the owner's tax mailing address for the premises or served personally on the owner. Whenever a case management fee has been assessed against a parcel, the owner may protest the fee assessment in a writing delivered to the Director of Inspection and Compliance Services within 10 business days from the date of the notice of assessment. Upon the receipt of a written protest, the Director shall review the case file and the written submission of the owner and make a determination on the protest in writing within 10 business days from the date of the protest. Such determination shall be the final determination of the City with respect to the assessment of the fee and shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Local Law No. 9
(Int. No. 473)

Local Law Amending The Charter Of The City Of Rochester With Respect To Delegation Of Authority By The Mayor

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by amending Subsection P of Section 3-3, Powers and duties of Mayor, to read in its entirety as follows:

P. Notwithstanding § 3-3J of the City Charter, the Mayor is hereby authorized to delegate authority to enter into agreements on behalf of the City to the Commissioner of Neighborhood and Business Development in the case of housing assistance and business assistance contracts for programs authorized by the City Council, and sales contracts with the United States Department of Housing and Urban Development to purchase foreclosed properties. The Commissioner may further delegate such authority to employees of the Neighborhood and Business Development Department with the approval of the Mayor.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-410
(Int. No. 474)

Amending The Municipal Code With Respect To Air Guns

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 47-5 of the Municipal Code, Firearms, rifles, shotguns and other dangerous weapons, as amended, is hereby further amended by adding the following new definition to replace the former definition of AIR GUN:

AIR GUN - Any pistol, revolver, rifle or shotgun which fires projectiles by means of a spring or compressed air or other gas, instead of an explosive.

Section 2. This ordinance shall take effect on January 11, 2010.

Passed unanimously.

Ordinance No. 2009-411
(Int. No. 475)

Amending The Municipal Code With Respect To The Director Of Planning And Zoning

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-182 of the Municipal Code, Director of Planning and Zoning, as amended, is hereby further amended by amending the introductory to Subsection E(2) thereof to read in its entirety as follows:

(2) In addition to the jurisdiction, authority and duties conferred on the Director of Planning and Zoning by other provisions of the Charter, codes and ordinances of the City of Rochester, the Director of Planning and Zoning, or a designee, shall be charged with the administration of this chapter and shall have all powers necessary to such admini-

stration and, in particular, shall have the following jurisdiction, authority and duties:

Section 2. Section 120-191 of the Municipal Code, Procedures approved by the Director of Planning and Zoning, as amended, is hereby further amended by adding the words “,or a designee,” after the words “Director of Planning and Zoning” where they are contained in the following subsections thereof:

- 120-191A(1)
- 120-191C(1)
- 120-191D(1)

Section 3. Section 120-191 of the Municipal Code, Procedures approved by the Director of Planning and Zoning, as amended, is hereby further amended by adding the words “of Planning and Zoning” in each place where they do not already appear after the word “Director” in the following subsections thereof:

- 120-191B(5)(b)
- 120-191D(4)
- 120-191D(5)(b)[1]
- 120-191D(6)
- 120-191D(7)

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-412
(Int. No. 476, As Amended)

Amending Ordinance No. 2009-386, Relating To The University Avenue Improvement And ARTWalk2 Enhancement Projects And Ordinance No. 2008-178 To Provide Ashwood Drive Funding

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 4 of Ordinance No. 2009-386, which amended the 2009-10 Budget of the City of Rochester, relating to the University Avenue Improvement and ARTWalk2 Enhancement Projects, is hereby amended by changing the amount of the transfer from the Contingency allocation to the Cash Capital allocation from \$288,850 to \$288,900.

Section 2. Ordinance No. 2008-178, relating to the Bremen Street Group Improvement Project, is hereby amended by adding the Ashwood Drive Improvement Project as an additional purpose of the appropriation approved in Section 2 thereof.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Local Law No. 10
(Int. No. 477)

Local Law Amending The Charter Of The City Of Rochester With Respect To Official Newspapers

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 5-10, Publication of ordinances, proceedings of the Council and official notices, by deleting the word "the" where it appears before the words "official newspaper" in the second to last sentence thereof and by inserting in its place the word "an", and by repealing the final sentence thereof.

Section 2. Section 5-11 of the City Charter, Publication of penal ordinances, as amended, is hereby further amended by deleting the word "the" where it appears before the words "official newspaper" in the first sentence thereof and by inserting in its place the word "an".

Section 3. Section 5-13 of the City Charter, Official newspapers, as amended, is hereby further amended to read in its entirety as follows:

§ 5-13. Official newspapers.

The Council shall designate, biennially in January of each even-numbered year, the official newspapers for the City. Required notices may be placed in one or more such newspapers.

Section 4. Section 5-53 of the City Charter, Action on referring petitions, as amended, is hereby further amended by deleting the word "the" where it appears before the words "official newspaper" therein and by inserting in its place the word "an".

Section 5. Section 13-4 of the City Charter, Hearings on local improvements, as amended, is hereby further amended by deleting the words "the official paper or papers" where they appear in the second sentence thereof and by inserting in their place the words "an official newspaper of the City".

Section 6. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-413
(Int. No. 478)

Amending The Municipal Code With Respect To Official Newspapers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 43A-28 of the Municipal Code, Procedure, is hereby amended by deleting the word "the" where it appears before the words

"official newspaper" in Subsection A(2) thereof and by inserting in its place the word "an".

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 11 and
Local Law No. 12
Re: Salary Adjustments

Transmitted herewith for your approval is legislation involving the salaries of the Mayor and City Council. As you are aware, Section 2-12 of the City Charter requires that the City Council establish the salary of the Mayor.

Since 1989, the City Council has used the approach of setting a salary level for the Mayor in the first year of each term and stipulating annual cost of living adjustments (COLAs), with a specific cap on such increases. It has been the intent of this approach that the COLAs would generally protect the salary from erosion by inflation, while the cap would protect the taxpayer from any spikes that might occur in the Consumer Price Index (CPI).

As a result of these policies, the Mayor's current salary is \$131,525; it will remain frozen at that level for 2010. As has been our practice for the past twenty years, in January 2011, 2012, and 2013, that salary would be adjusted to reflect any changes in the CPI-Urban during the previous year, with an annual cap of 3% on such adjustments. The second piece of legislation also freezes the Council salary for 2010 and then re-establishes the same long-standing cost of living formula for the Council.

Last February, in recognition of the economic difficulties facing the City, the Council enacted legislation that permitted the Mayor or any Councilmember to decline any scheduled salary increase. Mayor Duffy did so, and his actual salary at present is \$127,694. The Councilmembers who also declined the scheduled increase are currently earning \$30,641. The proposed legislation will use the scheduled salary level for the calculation of adjustments independent of any decisions by the Mayor or Councilmembers to decline scheduled increases.

Respectfully submitted,
Gladys Santiago, Carolee A. Conklin, Chair
President Finance Committee

Local Law No. 11
(Int. No. 484)

Local Law Amending The City Charter With Respect To The Salary Of The Mayor

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907,

entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by repealing the current Subsection A of Section 3-3.1, Salary of the Mayor, and by inserting in its place the following new Subsection A:

- A. Effective January 1, 2010, the annual salary of the Mayor shall be One Hundred Thirty-One Thousand, Five Hundred Twenty-Five Dollars (\$131,525).

Section 2. Section 3-3.1, Salary of the Mayor, is hereby further amended by repealing the current first sentence of Subsection C of Section 3-3.1 and by inserting in its place the following new first sentence, which with the change made in Section 3 hereof shall now constitute Subsection C:

- C. On January 1 of 2011, 2012, and 2013, the annual salary of the Mayor shall be increased by the same percentage, if any, that the Consumer Price Index - Urban has increased during the most recent twelve-month period prior to January 1 for which such Index has been published, except that no such annual increase shall exceed three percent (3%).

Section 3. Section 3-3.1, Salary of the Mayor, is hereby further amended by designating the final sentence of Subsection C thereof as Subsection D thereof:

- D. The Mayor may decline to accept a salary increase through written notification to the Director of Finance.

Section 4. Sections 1 and 3 of this local law shall take effect immediately. Section 2 of this local law shall take effect 45 days after the date of its adoption.

Passed unanimously.

Local Law No. 12
(Int. No. 485)

Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

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 5-2 thereof, relating to members of the Council, by amending the third to last and second to last sentences of said Section to read in their entirety as follows:

The annual salary of each member of Council is Thirty-One Thousand, Five Hundred Sixty Dollars (\$31,560). On January 1 of 2011, 2012 and 2013, such annual salary shall be increased by the same percentage, if any, that the Consumer Price Index-Urban has increased during the most recent twelve-month period prior to January 1

for which such Index has been published, except that no such increase shall exceed an annual rate of three percent (3%).

Section 2. This local law shall take effect 45 days after the date of its adoption.

Passed unanimously.

By Councilmember Warren
December 15, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 448 - Authorizing The Sale Of Real Estate

Int. No. 449 - Authorizing Agreements And Appropriating Funds For The Neighborhood Stabilization Program

Int. No. 450 - Amending Ordinance No. 2009-195, Relating To The Tenant Education Program

Int. No. 451 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement And Extension Of Reversionary Interest For The Westfall Heights Apartments Renovation Project

Int. No. 467 - Establishing Maximum Compensation For A Professional Services Agreement For The Consolidated Community Development Plan

Int. No. 479 - Authorizing Facilities Repair Agreements For The Emergency Shelter Grant Program

Int. No. 480 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

The Neighborhood & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 452 - Changing The Zoning Classification Of A Portion Of 583-585 Hudson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center

Int. No. 453 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Hudson Avenue And Clifford Avenue

Int. No. 454 - Changing The Zoning Classification Of A Portion Of 85 Palm Street From M-1 Industrial To R-1 Low Density Residential

Respectfully submitted,

Carolee A. Conklin

Carla M. Palumbo

William F. Pritchard (Did not vote on Int. Nos. 448 through 452)

NEIGHBORHOOD & COMMUNITY DEVELOPMENT

OPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-414
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of four properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first three properties are buildable vacant lots being sold to the adjoining owners. The purchasers will combine the parcels with their adjoining properties.

The last property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The purchaser will combine the parcel with their adjoining property.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,411.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-130

Ordinance No. 2009-414
(Int. No. 448)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcels of buildable vacant land:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Price</u>
1092 Clifford Ave 106.34-1-66	43x153 Joyce Scott	\$ 50
47 Grand Ave 106.68-2-29	40x128 Tammy Westbrook-Dade	\$ 450

406 Portland Ave 43x80 \$2,000
106.42-3-4 Anthony Randall

Section 2. The Council hereby approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
94 Weeger St 106.32-3-20	34x102 Belladira Valverde	3,468

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-415
Re: Neighborhood Stabilization Program

Transmitted herewith for your approval is legislation authorizing agreements with the NY State Housing Finance Agency (HFA) and the New York State Affordable Housing Corporation (AHC) for the receipt and use of Neighborhood Stabilization Program grants from the US Department of Housing and Urban Development. The applications for these grants were approved by City Council in January 2009. The HFA grant amount is \$4,257,581; the AHC amount is \$900,000, for a total of \$5,157,581. This legislation will also authorize agreements with agencies as necessary for program implementation, including Monroe County, the Rochester Housing Development Fund Corporation, and the Greater Rochester Housing Partnership.

The NSP funds will allow the City, in collaboration with Monroe County and the Rochester Housing Development Fund Corporation, to offer a diverse range of housing activities. Over a three-year period the collaboration will:

- Acquire and rehabilitate approximately 150 single-family homes for homeownership;
- Acquire and rehabilitate six single-family and nine two-family abandoned or foreclosed homes for rental housing;
- Provide subsidies for 86 first-time homebuyers; and
- Demolish 26 City-owned residential structures.

The City will partner with the Greater Rochester Housing Partnership, and with the Rochester Hous-

ing Development Fund Corporation acting as its affiliate, to create a financing mechanism for the homeownership portion of the program. NSP funds will work in tandem with the existing financing structure for the Home Rochester Program. The single family homes will be made available to participating Home Rochester developers to be rehabilitated and sold to eligible homebuyers with incomes at or below 120% of Area Median Income.

The program is expected to begin in December 2009 and conclude by December 2012. A program summary is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-131

Ordinance No. 2009-415
(Int. No. 449)

Authorizing Agreements And Appropriating Funds For The Neighborhood Stabilization Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from funds received from the New York State Housing Finance Agency the sum of \$4,257,581, and from funds received from the New York State Affordable Housing Corporation the sum of \$900,000, to fund the Neighborhood Stabilization Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the New York State Housing Finance Agency, the New York State Affordable Housing Corporation, the County of Monroe, the Rochester Housing Development Fund Corporation, the Greater Rochester Housing Partnership, and other necessary parties, to implement the Neighborhood Stabilization Program. The Commissioner of Neighborhood and Business Development, or his designee, is hereby authorized to enter into agreements for rental subsidies as a part of the Neighborhood Stabilization Program. The acquisition and sale of real estate and the cancellation of taxes on such real estate as a part of the Neighborhood Stabilization Program may, when City action is necessary, proceed in accordance with the authority granted for the Asset Control Area 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. 2009-416
Re: Amending Ordinance No. 2009-195,
Tenant Education Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-195 relating to the funding (\$23,688) for the Tenant Education Program. This legislation will change the source of funds to the Improving the Housing Stock and General Property Conditions allocation, Fair Housing fund of the 2007-08 Community Development Block Grant, and appropriate that amount from the new source for the same purpose.

Ordinance No. 2009-195, authorized in June, established \$23,688 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc. to provide workshops in support of the Tenant Education Program and appropriated \$23,688 from the Improve Housing Stock allocation, Rental Housing Fund, of the 2008-09 Community Development Block Grant to fund the agreement.

However, it has been discovered that funding from that source, as initially identified for this program in the 2008-09 Consolidated Community Development Plan, was not available. As a result, a new source is being substituted to fund the program. All other conditions of the ordinance remain the same.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-416
(Int. No. 450)

Amending Ordinance No. 2009-195, Relating To The Tenant Education Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-195, relating to the Tenant Education Program, is hereby amended by changing the year of the appropriation from the Improving the Housing Stock and General Property Conditions allocation in Section 2 thereof, from the 2008-09 Community Development Program to 2007-08 (Fair Housing Account).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-417
Re: Westfall Heights Affordable
Housing Project

Transmitted herewith for your approval is legislation relating to the preservation of the Westfall Heights affordable housing project located at 454 Westfall Road which is owned and managed by

Rochester Management. This legislation will:

1. Authorize the extension of the reversionary interest of the City in the parcel for 32 years, upon payment of \$287,000; and
2. Authorize a Payment in Lieu of Tax (PILOT) agreement with WH Housing Development Fund Company, Inc., a subsidiary of Rochester Management.

Westfall Heights apartment complex consists of 101 affordable units for families, and includes 21 townhouse units. All are two-bedroom units of approximately 900 square feet. Rochester Management, in conjunction with Conifer Realty LLC, has applied to the New York State Housing Finance Agency (HFA) to make upgrades to the complex. Improvements include:

- Interior: New kitchen cabinets, appliances, new counters, sinks, window treatments, hardware upgrades, carpet, doors.
- Exterior: New roofs, new vinyl siding and trim, and new Energy Star furnaces.
- Other: A new community space which will include a kitchen, computer lab, laundry facilities, manager's office, outdoor patio space; and six handicapped accessible units.

The total cost of the project will be \$11,017,520, which will be funded using federal and state tax equity, tax exempt bonds, seller note, HFA subsidy loan, replacement reserves, and deferred developer fee. The project is expected to begin in January 2010 and be completed within 12 months.

The amount for the extension of the reversion was determined by a calculation that identified the value of the City's reversionary interest in the property based upon its net operating income.

The PILOT agreement will extend for 32 years and represents 10% of shelter rents minus utilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-132

Ordinance No. 2009-417
(Int. No. 451)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of Tax Agreement And Extension Of Reversionary Interest For The Westfall Heights Apartments Renovation 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 32 years, the property at 454 West-

fall Road, SBL No. 136.79-1-3, to be owned by WH Housing Development Fund Company, Inc. and to be used for housing as a part of the Westfall Heights Apartments Renovation Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for the Westfall Heights Apartments property at 454 Westfall Road for a period of 32 years with WH Housing Development Fund Company, Inc., which shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent" for the Westfall Heights Apartments. "Shelter rent" shall equal gross rents less utility costs.

Section 3. The Mayor is hereby authorized to extend the City's reversionary right, title and interest in and to the Westfall Heights Housing Project for 32 years. As consideration for the extension, the City shall be paid the sum of \$287,000.

Section 4. The agreement and instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-418
Re: Agreement - Mullin & Lonergan
Associates, Consolidated Community
Development Plan

Transmitted herewith for your approval is legislation establishing \$24,965 as maximum compensation for an agreement with Mullin & Lonergan Associates (Pittsburgh, PA) for development of the 2010-15 Consolidated Community Development Plan. The cost of the agreement will be funded from 2009-10 operating budget (professional services) of the Department of Neighborhood and Business Development.

The Consolidated Community Development Plan is prepared every five years as required by the federal funding agencies. The plan includes a community profile, housing and homeless needs assessment, housing market analysis, strategic plan, and annual action plan. It is the basis of the annual action plan whereby funding decisions are made with respect to federal funds received through the Community Development Block Grant, Emergency Solutions Grant (formerly named Emergency Shelter Grant), Housing Opportunities for Persons with AIDS Program, and the HOME Program.

A Request for Proposals for the development of the five-year Consolidated Plan was issued on October 13, 2009 directly to 27 organizations. The RFP was also published in the newspaper and posted on the City's Web site. Proposals were received from thirteen organizations: Saccardi & Schiff, WFN, Inc., Novogradac & Company, Kimlyn Consulting,

PMC, Mullin & Lonergan Associates, Carras Community Investment, CZB, Dennison Associates, Urban Design Ventures, Swiger Consulting, AEDU-Tech Systems, and BFJ Planning. The proposals were reviewed by an interdepartmental team of City staff and rated on: understanding and approach to the project; demonstrated experience in preparation of Consolidated Plans and/or other planning and application documents; experience and qualifications of team members; and cost. As a result of this review, Mullin & Lonergan Associates is recommended.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-418
(Int. No. 467)

Establishing Maximum Compensation For A Professional Services Agreement For The Consolidated Community Development Plan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$24,965, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Mullin & Lonergan Associates for development of the 2010-15 Consolidated Community Development Plan. Said amount shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember Warren - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-419
Re: 2009-2010 Emergency Shelter Grant Program - Facilities Repair Initiative

Transmitted herewith for your approval is legislation appropriating \$88,813 in 2009-10 Emergency Shelter Grant funds (Undistributed Fund account of the Consolidated Community Development Program), and authorizing agreements with existing ESG shelter and service providers to undertake facility repairs. This legislation will authorize four agreements as follows:

- \$27,913 Alternatives for Battered Women, Inc.
- \$21,000 The Center for Youth Services, Inc.
- \$15,000 Volunteers of America of Western New York, Inc.
- \$24,900 YWCA of Rochester and Monroe County

The 2009-10 Consolidated Community Development Plan provides the ESG Undistributed Fund in anticipation of the Facilities Repair Initiative. On October 15, 2009, the City issued a Request for Proposal to the 28 ESG and HOPWA (Housing Opportunities for Persons with AIDS) agencies that provide client services through agreements with the City (list attached). In accordance with ESG guidelines, the funds may be used for exterior structural repairs and interior improvements. Decorative or non-essential improvements are not eligible. No minimum award amount was established. Selection criteria included soundness of the repair strategy in relationship to improving services for clients, and feasibility of the proposed repairs in relationship to the dollars requested. Nine agencies submitted proposals for a total of \$237,427.

This legislation will enable the City to comply with HUD regulations that require encumbrance no later than December 31, 2009.

The Bureau of Business and Housing Development will be responsible for overseeing the projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-133

Ordinance No. 2009-419
(Int. No. 479)

Authorizing Facilities Repair Agreements For The Emergency Shelter Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for facilities repair projects under the Emergency Shelter Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$27,913
The Center for Youth Services, Inc.	21,000
Volunteers of America of Western New York, Inc.	15,000
YWCA of Rochester and Monroe County	24,900

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$88,813, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 Emergency Shelter Grant Program Funds.

Section 3. The agreements shall contain such

additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 7.

Nays - None - 0.

Councilmember Spaul abtained because she is an employee of the Center for Youth Services, Inc.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-420
Re: Lease - 1015 Thomas Avenue

Transmitted herewith for your approval is legislation authorizing a one-year lease agreement with Voyager Boat Sales, Inc. for the continued use of City-owned land located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease is due to expire on December 31, 2009. The new lease will commence January 1, 2010 and expire on December 31, 2010. The monthly rental amount will be \$2,300 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA on December 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-134

Ordinance No. 2009-420
(Int. No. 480)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$27,600, payable in monthly amounts of \$2,300.

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. 2009-421 and
Ordinance No. 2009-422
Re: Land Use Changes - Hudson Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map and the Official Map to facilitate marketing and potential development of City-owned properties at 583-585 and 593 Hudson Avenue, at the southwest corner of Clifford Avenue, as follows:

1. Rezone the 35' x 124' southern portion of the property at 583-585 Hudson Avenue from R-1 Low Density Residential to C-1 Neighborhood Center District; and
2. Dedicate a 745 square foot portion of the property at 593 Hudson Avenue along the Hudson Avenue and Clifford Avenue frontages as public right-of-way.

In 2007, the City combined the parcels at 577-579, 583-585 and 587 Hudson Avenue to form one parcel known as 583-585 Hudson Avenue. At that time, it was undetected that two of the parcels were located in different zoning districts; the southern portion in an R-1 Low Density Residential District and the northern portion in a C-1 Neighborhood Center District. The rezoning of the southern portion of the property will place the entire parcel within the C-1 district.

Clifford Avenue was reconstructed by the City in 1987. As part of that project, it was anticipated that land along the Clifford Avenue and Hudson Avenue frontages would be acquired and dedicated as right-of-way for street improvements. The official map amendment effecting these changes did not occur.

Providing consistent zoning along with removing the encumbrances will enhance the development potential of these properties.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on November 16, 2009. There were no speakers either in support of or in opposition to the proposed rezoning and street abandonment. By a vote of 6-0, the Commission recommends approval to City Council.

Public hearings are required for the Zoning Map and Official Map Amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-135

Ordinance No. 2009-421
(Int. No. 452)

Changing The Zoning Classification Of A Portion Of 583-585 Hudson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting a portion of 583-585 Hudson Avenue, from R-1 Low Density Residential to C-1 Neighborhood Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 71, 2nd Division, and more particularly bounded and described as follows: Beginning at the intersection of the centerline of Hudson Avenue (64' ROW) and the easterly projection of the south line of Lot 11 of the Thomas Estate Subdivision, as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 42, said intersection being the Point or Place of Beginning; thence

1. Westerly, along said projection and the south line of Lot 11, a distance of 157 feet, more or less, to the southwest corner of said Lot; thence
2. Northerly, along the west line of said Lot 11, a distance of 35.0 feet to the northwest corner thereof; thence
3. Easterly, along the north line of said Lot 11 and its easterly projection, a distance of 157 feet, more or less, to the said centerline of Hudson Avenue; thence
4. Southerly, along said centerline, a distance of 35.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-422
(Int. No. 453)

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Hudson Avenue And Clifford Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to the corner of Hudson Avenue and Clifford Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point at the intersection of the southerly streetline of Clifford Avenue (60.0' wide) with the westerly streetline of Hudson Avenue (64.0' wide);

- Thence 1) South 17°-17'-05" West, along the westerly streetline of Hudson Avenue, a distance of 90.00 feet to the southeast corner of lands now or formerly owned by the City of Rochester;
- Thence 2) North 14°-46'-50" East, through said lands of the City of Rochester, a distance of 68.66 feet to a point;
- Thence 3) North 20°-24'-40" West, through said lands of the City of Rochester, a distance of 8.18 feet to a point;
- Thence 4) North 85°-18'-30" West, through said lands of the City of Rochester, a distance of 85.33 feet to the northwesterly corner of said lands of the City of Rochester;
- Thence 5) North 87°-06'-35" East, along the southerly streetline of Clifford Avenue, a distance of 97.24 feet to the point or place of beginning.

Being part of the same premises conveyed to the City of Rochester by deeds recorded in the Monroe County Clerk's Office in Liber 6701 of Deeds at page 106 and Liber 9081 of Deeds at page 311.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2009-423
Re: Rezoning 85 Palm Street from M-1 Industrial to R-1 Low Density Residential

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning a portion of the property at 85 Palm Street from M-1 Industrial to R-1 Low Density Residential to facilitate the legalization of a place of worship at this location.

The Iglesia Restauracion En Christo de Bayamon at 85 Palm Street, a place of worship, owns four contiguous properties at 85 and 95 Palm Street, 123 Desmond Street, and 322B Pullman Avenue, for a total of 2.77 acres all located in the M-1 Industrial district.

Structures include an office building on Palm Street and two warehouse/storage buildings at the rear of the property with access from Desmond Street. The properties were formerly used as a builders supply company.

Rezoning the parcel on which the office building is located will allow the legalization of the church, which is prohibited in the M-1 district and permitted as of right in the R-1 district. An application for re-subdivision has also been filed with the City to create a separate parcel whereby the front portion of 85 Palm Street and the parking lot at 95 Palm Street will be combined to form one property for church purposes, and will retain the 85 Palm Street address. The remaining portion of the property where the warehouse/storage buildings are located will remain in the M-1 district where they are permitted as-of-right and will be designated as 123 Desmond Street. The M-1 parcel will remain fully taxable.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on November 16, 2009. There were no speakers either in support or in opposition to this proposal. By a vote of 6-0, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-136

Ordinance No. 2009-423
(Int. No. 454)

Changing The Zoning Classification Of A Portion Of 85 Palm Street From M-1 Industrial 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 parcel, constituting a portion of 85 Palm Street, from M-1 Industrial 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, being part of Town Lot 27 of the 20,000 Acre Tract and more particularly bounded and described as follows: Beginning at a point on the southerly ROW line of Palm Street (50' ROW), 200.0 feet west of the westerly ROW line of Desmond Street (50' ROW), said point

being the Point or Place of Beginning; thence

1. Southerly parallel with said westerly ROW line of Desmond Street, a distance of 116.0 feet to the south line of Lot 69 of the Britton Tract, as filed in the Monroe County Clerk's Office in Liber 17 of Maps, Page 9; thence
2. Westerly, along the south line of Lots 69, 68 & 67 of said Britton Tract, a distance of 102.17 feet to a point; thence
3. Northerly, parallel with said Desmond Street, a distance of 141.0 feet, more or less, to the centerline of said Palm Street; thence
4. Easterly, along said centerline, a distance of 102.17 feet to a point; thence
5. Southerly, parallel with and 200.0 feet distant from said westerly ROW line of Desmond Street, a distance of 25.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
December 15, 2009

To the Council:

The Parks & Public Works Committee recommends for adoption the following entitled legislation:

Int. No. 455 - Establishing Maximum Compensation For A Professional Services Agreement For The Erie Harbor Park Design

Int. No. 456 - Authorizing An Agreement For A Mt. Hope Cemetery Grant And Amending The 2009-10 Budget

Int. No. 457 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Chapel Of Peace And Amending The 2009-10 Budget

Int. No. 458 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Ice Rink Compressor Replacement Project

Int. No. 459 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$725,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Ice Rink Compressor Replacement Project In The City

Int. No. 486 - Authorizing Agreements For The Broad Street Tunnel Project And Appropriating Funds

Int. No. 487 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance

Of \$880,000 Bonds Of Said City To Finance The Reconstruction Of The Broad Street Tunnel In The City

Int. No. 219 - Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way West-bound

The Parks & Public Works Committee recommends for consideration the following entitled legislation:

Int. No. 468 - Approving Changes In The Pavement Width Of University Avenue And North Goodman Street

Int. No. 469 - Authorizing Easements And Agreements For The University Avenue Improvement And ARTWalk2 Enhancement Projects

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
William F. Pritchard
PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-424
Re: Agreement - FRA Engineering,
Erie Harbor Park

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with FRA Engineering and Architecture, Rochester, for planning, engineering and design services related to Erie Harbor Park, and appropriating \$40,000 in anticipated reimbursements from the New York State Environmental Protection Fund, Local Waterfront Revitalization Grant Program to finance a portion of the cost of the agreement. The remaining amount, \$40,000, will be financed from the 2008-09 Cash Capital allocation for the Department of Environmental Services.

An agreement with the State of New York for the administration and funding for the project was authorized in June 2006.

Erie Harbor Park is a riverfront site adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard, and is identified in the Center City Master Plan. Ownership of the property is mixed, with the principal parties being the City, New York State, and the Farash Corporation. Several easements cross the property, making private development challenging.

FRA Engineering will conduct planning phase tasks and produce a preliminary plan for Erie Harbor Park, including the relocation of the Genesee Riverway Trail, showcasing the historic 1824 Johnson Seymour Raceway, and cursory site plans for future development purposes. FIRM will provide

schematic site plans, color renderings, and preliminary design drawings. Initial planning and preliminary design will begin in early 2010, with an anticipated completion date of August 2010.

Proposals for planning and design services were solicited from nineteen firms. Thirteen firms responded and include: FRA, Bergmann Associates, Clark Patterson and Lee, Clough Harbor Associates, Synthesis, EDR, SWBR, KCI, PJ Smith and Company, Passero Associates, Studio/Bryan Hanes, Stantec, and C&S. Proposals were rated by City staff, and FRA was selected based on its qualifications, assigned personnel, overall familiarity and expertise with the scope of the planned work.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-424
(Int. No. 455)

Establishing Maximum Compensation For A Professional Services Agreement For The Erie Harbor Park Design

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 FRA Engineering and Architecture for planning, engineering and design services for the Erie Harbor Park. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$40,000 shall be funded from the 2008-09 Cash Capital allocation and \$40,000 is hereby appropriated from 2008 New York State Environmental Protection Local Waterfront Revitalization Program Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-425
Re: Agreement - US Department of
The Interior, Mt. Hope Cemetery
Improvements

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of the Interior for the receipt and use of a \$98,000 grant from the Save America's Treasures Grant Program; and amending the Cash Capital allocation of the 2009-10 Budget of the Department of Recreation and Youth Services. The grant is a member item received through Congresswoman Louise Slaughter's office, and will be used for rehabilitation activities in Mt. Hope Cemetery.

Improvements will include rehabilitation and repair of several structures in the north end of the cemetery, as well as some excavation and restoration of an historic pathway identified in the recently completed cultural landscape report for Mount Hope. Structures to be addressed are: the 1862 cemetery chapel designed by Henry Searle, the Gould Mausoleum (ca. 1867), the Rau Mausoleum (ca. 1911), and the Yaky burial plot (ca. 1930). These sites are indicated on the attached map. The structure work will include masonry repair and rehabilitation for the chapel stairs, the foundation slab, stairs, and door of the Rau Mausoleum, and the base stones of the Gould Mausoleum. Also, the obelisk at the Gould Mausoleum will be replaced and the masonry foundation wall of the Yaky plot will be repaired.

Also included are coverings for the windows and door as an interim step in the rehabilitation of the chapel. The window and door covers will be compatible with the overall historic character of the building and reflective of the Victorian Gothic detail and tracery documented in the original chapel windows.

Additionally, an unnamed carriage drive will be excavated along its visibly distinguishable historic alignment. Finally, unobtrusive nighttime lighting of the historic structures will be installed, providing both security enhancements and opportunities for evening programming.

The required match of \$100,000, will be provided through the 2009-10 Cash Capital allocation of the Department of Environmental Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-137

Ordinance No. 2009-425
(Int. No. 456)

Authorizing An Agreement For A Mt. Hope Cemetery Grant And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of the Interior for funding for rehabilitation activities in Mt. Hope Cemetery under the Federal Save America's Treasures Grant Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$98,000, 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. 2009-426
Re: Agreement - Pike Company,
Riverside Cemetery Chapel of
Peace

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with The Pike Company for construction management services for the Riverside Cemetery Chapel of Peace Project; and amending the 2009-10 Budget by transferring \$3,350,000 from Cemetery Fund balance to Cash Capital (Department of Environmental Services) to fund the agreement and construction costs for the project.

The Riverside Cemetery Chapel of Peace is a planned community mausoleum and chapel designed to complement existing mausoleum structures at the Cemetery. Design, authorized by Council in February 2009, is underway and expected to be completed in early 2010.

The Chapel will be a 13,800 square foot facility with 2,100 crypt and 1,650 niche interior and exterior spaces. It is estimated that the new mausoleum will provide the City an additional 25 years of above-ground burial options for residents. To date, 27% of the spaces have been pre-sold.

The construction cost estimate, including contingency and furnishings, is \$4.6 million. In addition to Cemetery funds, an additional \$1.58 million in Cemetery Cash Capital will be used as identified in the 2009-10 Capital Improvement Program.

The Pike Company will provide full-time construction management services from final design through construction to ensure adherence to the design, construction schedule and budget, and to assist in the administration of the construction until final completion.

Proposals were solicited from five firms; four firms responded - Buckley Group, Christa Construction, LeChase Construction, and Pike Company. Project-specific qualifications of each firm were rated by a team of City staff, including DES Architectural Services and the Department of Recreation and Youth Services. Based on their qualifications, adherence to schedule and approach to the project, The Pike Company was selected.

Construction will begin in spring 2010, with scheduled completion in spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-138

Ordinance No. 2009-426
(Int. No. 457)

Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Chapel Of Peace And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Pike Company for construction management services for the Riverside Cemetery Chapel of Peace 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 2009-10 Cash Capital allocation.

Section 2. Ordinance No. 2009-188, the 2009-10 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 \$3,350,000, which amount is hereby appropriated from the Cemetery Fund.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-427 and
Ordinance No. 2009-428

Re: Agreement - Erdman Anthony Associates, Genesee Valley Park Ice Rink Compressor Replacement

Transmitted herewith for your approval is legislation establishing \$91,000 as maximum compensation for an agreement with Erdman Anthony Associates, Rochester, for engineering design services, and authorizing the issuance of bonds totaling \$725,000 and the appropriation of the proceeds thereof to finance the design and construction of the project, including the cost of the agreement with Erdman Anthony.

The Genesee Valley Park complex was built in 1976; the ice rink was enclosed in 1987. In addition to offering public recreational ice skating programs year round, the City partners with the University of Rochester and local high school hockey teams.

The ice rink and its associated mechanical and electrical components are original to the facility and beyond their useful life. While the underlying piping and system supports are in good condition, the overall compressor, cooling, controls, fog control and associated electrical systems require replacement. The Consultant will provide compre-

hensive engineering design services as well as construction administration. It is anticipated that these upgrades will provide for an additional 25 years of ice rink operations.

Qualifications were solicited from ten firms; four responded - Clark Patterson Lee, Erdman Anthony, Pathfinder Engineers, and Turner Engineering. Based on its qualifications, experience in completing similar projects, and reasonableness of its proposed fee, Erdman Anthony was selected.

Design will begin in early 2010; it is anticipated that construction will begin in December 2010, with scheduled completion in May 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-139

Ordinance No. 2009-427
(Int. No. 458)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Ice Rink Compressor Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$91,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman Anthony Associates for engineering design services for the Genesee Valley Park Ice Rink Compressor Replacement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-428
(Int. No. 459)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$725,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Ice Rink Compressor Replacement Project In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the design and construction of the Genesee Valley Park Ice Rink Compressor Replacement Project in the City (the "Project"). The estimated maximum cost of

said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be in excess of \$725,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$725,000 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 \$725,000 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 \$725,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.19(c) of the Local Finance Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the

terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-429 and
Ordinance No. 2009-430
Re: Broad Street Tunnel Project

Transmitted herewith for your approval is legislation related to the repair and rehabilitation of the Broad Street Tunnel. This legislation will:

1. Establish \$2,300,000 as maximum compensation for a professional services agreement with FRA Engineering, P.C., Rochester, for resident project representation (RPR) services;
2. Authorize the issuance of bonds totaling \$880,000 and the appropriation of the proceeds thereof to partially finance the local share of construction and project administration phases;
3. Authorize the appropriation of \$14,980,000 from anticipated reimbursements from the Federal Highway Administration to finance the federal aid eligible portions of the construction and project administration phases;

4. Authorize the appropriation of \$2,810,000 from anticipated reimbursements from the New York State Marchiselli Aid Program to partially finance the state aid eligible portions of the construction and project administration phases for the project; and
5. Authorize an inter-municipal agreement with Monroe County Water Authority (MCWA) for the receipt of a maximum of \$2,950 in reimbursements for the cost of MCWA improvements.

The Broad Street Tunnel Project is a City-administered Federal-aid project as authorized by Council in June 1993 (Ord. No 93-213). The project was designed by FRA Engineering under agreements authorized by Council in August 1994, July 2008, and March 2009.

The Project includes two separate tunnel sections. Work in Section 1 (Main Street to Brown Street) includes removal of the entire structural deck and steel framing system; filling the tunnel cavity with embankment material; construction of new street pavement; installation of a new access portal; replacement of concrete sidewalks and driveway aprons; granite curbs; street lighting improvements; drainage improvements; relocation of water utilities; replacement of traffic signal equipment as necessary; new pavement markings and signage; landscape improvements; and installation of a center median feature.

Work in Section 2 (Main Street to Exchange Street) includes the rehabilitation of the substructure elements; complete removal and replacement of the waterproof membrane system; installation of a new asphaltic wearing surface; curb resetting; minor landscaping; and the installation of several kiosks, markers and sidewalk striping required for the build-out of Rochester's Heritage Trail.

Bids for construction were received on October 26, 2009. The apparent low bid of \$15,252,965.33 was submitted by Sealand Contractors Corporation, which is 23% less than the engineer's estimate. An additional \$784,388 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

Category	Contingency		Adm
	Construction	Street Lighting	
	RPR		Total
Federal			
	\$12,202,372	\$624,396	\$184,000
	\$1,840,000	\$129,200	\$14,979,968
State			
	2,287,945	117,074	34,500
	345,000	24,225	2,808,744
Local - City Bond			
	722,139	40,894	0
	108,892	8,075	880,000

Local - City Water	6,025	301	0
	909	0	7,235
Local - MCDOT	32,027	1,601	0
	4,829	0	38,457
Local - MCWA	2,457	122	0
	370	0	2,949
Local - DES Opt	0	0	11,500
	0	0	11,500
Total	\$15,252,965	\$784,388	\$230,000
	\$2,300,000	\$161,500	\$18,728,853

The construction cost of the project will be financed from anticipated reimbursements from the Federal Highway Administration (\$14,980,000), anticipated reimbursement from the State of New York Marchiselli Aid Program (\$2,810,000), proceeds of the proposed bond (\$880,000), proceeds from 2007-2008 Water Cash Capital allocations (\$7,235), and DES Operating Budgets for fiscal years 2009-10, 2010-11, and 2011-12 (\$11,500).

The local share (\$38,457) of the proposed traffic related improvements will be financed by previously appropriated 2007-08 Cash Capital allocations.

The local share (\$2,949) of the proposed water improvements related to a Monroe County water main will be financed from anticipated reimbursements from the Monroe County Water Authority.

FRA Engineering was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project. It is anticipated that construction will begin in December 2009 and will be substantially completed by fall 2011.

The Broad Street Tunnel Project was presented at public meetings held on June 4, 2004 and May 5, 2005. Public hearings were held on May 29, 2008 and July 15, 2009. Geometric changes related to roadway widths were endorsed and approved by the Traffic Control Board at the June 17, 2008 meeting. The minutes of the meetings and hearings are on file in the City Clerk's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-140

Ordinance No. 2009-429
(Int. No. 486)

Authorizing Agreements For The Broad Street Tunnel Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,300,000, 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 FRA Engineering, PC for resident project representation services for the Broad Street Tunnel Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$1,840,000 shall be funded from the appropriation of Federal Highway Administration Funds made in Section 2, \$345,000 shall be funded from the appropriation of State of New York Funds made in Section 3, \$108,892 shall be funded from a bond ordinance adopted for this Project, \$909 shall be funded from the 2007-08 Cash Capital allocation (Water Fund), \$4,829 shall be funded from the 2007-08 Cash Capital allocation, and \$370 shall be funded from the appropriation of anticipated reimbursements from the Monroe County Water Authority made in Section 4.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$14,980,000, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$2,810,000, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Monroe County Water Authority (MCWA) for funding for the costs of MCWA improvements as a part of the Broad Street Tunnel Project. The agreement shall obligate the MCWA to pay to the City an amount not to exceed \$2,950, and said amount is hereby appropriated to fund the Broad Street Tunnel Project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-430
(Int. No. 487)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$880,000 Bonds Of Said City To Finance The Reconstruction Of The Broad Street Tunnel 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 the Broad Street Tunnel in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$18,498,853. The plan of financing includes the issuance of \$880,000 bonds of the City, and said amount is hereby appropriated there-

for, together with the application of \$14,795,968 appropriated from Federal Highway Administration Funds, \$2,774,244 appropriated from State of New York Funds, \$7,235 from current City Water Fund funds, \$2,949 appropriated from Monroe County Water Authority Funds, and \$38,457 from current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$880,000 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 \$880,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a. 10. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially

level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Introductory No. 219 was introduced June 11, 2009 and appears in its original form with its transmittal letter on page 221 of the current Council Proceeding.

Ordinance No. 2009-431
(Int. No. 219)

Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way Westbound

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-432 and
Ordinance No. 2009-433
Re: University Avenue Improvement
And ARTWalk2 Enhancement
Projects - ARRA

Transmitted herewith for your approval is legislation relating to pavement width changes and easements for the University Avenue Improvement and ARTWalk2 Enhancement projects. This legislation will:

1. Authorize certain pavement width changes on University Avenue and North Goodman Street to create recessed parking areas and safer pedestrian crosswalks. Maps illustrating the location of these changes are attached.
2. Authorize the donation or acquisition of fourteen permanent easements and eight temporary easements, to provide for public art installations and other street improvements as part of the ARTWalk 2 Enhancement Project.
3. Authorize the reservation, granting, acceptance or release of all easements and other rights necessary for the implementation of the University Avenue Improvement and ARTWalk 2 Enhancement Projects.
4. Authorize the Mayor to enter into additional agreements as necessary for the implementation and maintenance of improvements as part of the project.

Details regarding these projects were presented to Council in transmittal letters accompanying Ordinance Nos. 2009-156 and 2009-386. Appraisal services were authorized in November 2009.

A public informational meeting was held on May 7, 2008; the meeting minutes are attached. The pavement width changes were presented for endorsement at the December 1, 2009 Traffic Control Board meeting.

The total appraised value of the permanent easements is \$24,250; the appraised value of the temporary easements is \$1,980. Estimated closing costs are \$5,500. The total cost of \$31,730 will be funded from ARRA funds appropriated through Ord. No. 2009-156 (\$26,930) and 2007-08 Cash Capital (\$4,800). Council authorization for easement acquisitions related to Memorial Art Gallery properties will be requested pending negotiation with the University of Rochester.

Public hearings on the pavement width changes are required.

It is anticipated that construction will begin in June 2010 and will be substantially completed by fall 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-141

Ordinance No. 2009-432
(Int. No. 468)

Approving Changes In The Pavement Width Of University Avenue And North Goodman Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the

following changes in the pavement width of University Avenue as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

1. An increase of 2 feet from 40 feet to 42 feet beginning at a point 245 feet west of Prince Street and ending at Prince Street, and a decrease of 2 feet from 44 feet to 42 feet from Prince Street to North Goodman Street.
2. The following changes from the proposed width described above to create recessed parking areas and safer pedestrian crosswalks:
 - a. a decrease of 1.6 feet from 45.6 feet to 44 feet beginning at North Union Street and ending 70 feet east of North Union Street;
 - b. a transition beginning with a 44 foot width at the prior end point and ending with a 40 foot width 120 feet east of North Union Street;
 - c. a transition beginning with a 40 foot width at 390 feet west of Prince Street and ending with a 28 foot width 245 feet west of Prince Street;
 - d. a decrease of 7 feet on the north side beginning 80 feet west of Prince Street and ending 70 feet east of Prince Street;
 - e. a decrease of 7 feet on the south side beginning 64 feet west of Prince Street and ending 64 feet east of Prince Street;
 - f. a decrease of 7 feet on the north side beginning 354 feet east of Prince Street and ending 396 feet east of Prince Street;
 - g. a decrease of 7 feet on the north side beginning 260 feet west of Strathallan Park and ending 54 feet east of Strathallan Park;
 - h. a decrease of 7 feet on the south side beginning 75 feet east of Strathallan Park and ending 65 feet east of Strathallan Park;
 - i. a transition on the north side beginning with a 7 foot decrease 257 feet west of North Goodman Street and ending with a 0 foot decrease 153 feet west of North Goodman Street;
 - j. a transition on the south side beginning with a 7 foot decrease 119 feet east of Strathallan Park and ending with a 0 foot decrease 185 feet east of Strathallan Park.

Section 2. The Council hereby further approves a decrease of 7 feet, from 32 feet to 25 feet on the west side of North Goodman Street beginning 295 feet north of University Avenue and continuing north a distance of 248 feet, as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

dance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-433
(Int. No. 469)

Authorizing Easements And Agreements For The University Avenue Improvement And ARTWalk2 Enhancement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of, or accepts the donation of, permanent easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u> <u>Address</u>	<u>S.F.</u>	<u>Appraised Value</u> <u>SBL No.</u>
Le-Thi-Be Walters 302 University Avenue	5.00	\$ 100 106.82-1-45
Le-Thi-Be Walters 309 University Avenue	18.00	200 106.82-3-2.1
Paul Ferrel 357 University Avenue	14.30	150 106.82-3-13
Mark Tichenor & Nancy Kehoe 366 University Avenue	30.80	200 106.82-1-58.1
Levanco, Inc. 378 Alexander Street	28.90	125 106.82-2-31
390 Properties LLC 390 Alexander Street	39.60	350 106.82-2-36
Visual Studies Workshop, Inc. 31 Prince Street	1143.00	4,250 106.82-2-21
Max Properties of Rochester, LTD 30 Prince Street	24.50	100 121.26-1-20
Timothy B. & JoAnne M. Wolcott 549 University Avenue	25.90	125 121.27-1-7
Charles Breidenstein 561 University Avenue	28.90	350 121.27-1-8
Rochester Housing Authority 615 University Avenue	1983.00	7,350 121.27-1-28.1
Rochester Housing Authority 615 University Avenue	487.00	3,300 121.27-1-28.1
ATM Properties 250 N. Goodman Street	1869.00	7,425 106.83-1-33.1
RL East, Inc. 610 East Avenue	59.90	225 121.35-1-7.1

Section 2. The Council hereby further approves the acquisition of, or accepts the donation of, temporary easements over the following parcels for public art installations as a part of the University

Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u> <u>Address</u>	<u>S.F.</u> <u>SBL No.</u>	<u>Appraised</u> <u>Value</u>
Levanco Inc. 378 Alexander Street	97.00 106.82-2-31	\$225
Max Properties of Rochester, LTD 30 Prince Street	76.00 121.26-1-20	100
Jeffrey Metzger 485 University Avenue	175.00 121.26-1-22	230
RHP Haddon Hall, LLC 493 University Avenue	261.00 121.27-1-1	600
Don & Salvatore DiCiaccio 525 University Avenue	60.00 121.27-1-4	150
Jeffrey Metzger 533 University Avenue	98.00 121.27-1-5	250
Helen Welte L/U, Louis H. Welte & Friedl V. Welte 579 University Avenue	44.00 121.27-1-10	100
Rochester Housing Authority 615 University Avenue	233.00 121.27-1-28.1	325

Section 3. The acquisitions, and necessary closing costs, shall obligate the City to pay an amount not to exceed \$31,730, and of said amount, or so much thereof as may be necessary, \$4,800 shall be funded from the 2007-08 Cash Capital allocation and \$26,930 shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 4. The Council hereby further approves the reservation, granting, acceptance or release of all easements and other rights necessary for the implementation of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 5. The Mayor is hereby further authorized to enter into such additional agreements as may be necessary for the implementation and maintenance of improvements as part of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

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.

By Councilmember Miller
December 15, 2009

To the Council:

The Economic Development & The Environment Committee recommends for adoption the following

entitled legislation:

Int. No. 460 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Riverside Convention Center Roof Replacement Project

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-434
Re: Amendatory Agreement - HBT
Architects, Rochester Riverside
Convention Center Roof Replacement
Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with HBT Architects, Pittsford NY, for additional resident project representation (RPR) services for the Riverside Convention Center Roof Replacement Project. The original agreement for \$35,000 was authorized in May 2009. This amendment will increase the maximum compensation by \$10,000 to a total of \$45,000, and will increase the term of the agreement to December 31, 2009. The additional cost will be financed from bonds authorized by Ordinance 2009-67.

This roof replacement project began in June 2009 and encountered substantial weather-related delays during the summer construction season. The original completion date was scheduled for August 31, 2009; rain dates and additional repairs extended the completion date to October 31, 2009. HBT Architect's RPR services for full time representation exceeded the budgeted time frame for the project given the extended construction timeframe.

The project was completed in October 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-434
(Int. No. 460)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Riverside Convention Center Roof Replacement Project

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 HBT Architects for resident project representation services for the Rochester Riverside Convention Center Roof Replacement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-67.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 171 from Committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Introductory No. 171 was introduced May 7, 2009 and appears in its original form with its transmittal letter on page 165 of the current Council Proceedings.

Ordinance No. 2009-435
(Int. No. 171)

Authorizing An Agreement For REDCO Services

Passed unanimously.

By Councilmember McFadden
December 15, 2009

To the Council:

The Public Safety & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 438 - Authorizing An Agreement For A Red Light Camera Program

Int. No. 439 - Local Law Amending The City Charter With Respect To Owner Liability For The Failure Of A Motor Vehicle Operator To Comply With Traffic-Control Indications

Int. No. 461 - Authorizing An Application And Agreement For An Urban Area Security Initiative Grant

Int. No. 462 - Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2009-10 Budget

Int. No. 463 - Authorizing Agreements For Youth Services Programs

Int. No. 464 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training Services

Int. No. 465 - Authorizing An Agreement For A STOP Violence Against Women Recovery Grant And Amending The 2009-10 Budget

Int. No. 481 - Establishing Maximum Compensation For A Professional Services Agreement For An EMS Study

Int. No. 482 - Authorizing An Agreement For The Rochester Walks Program, As Amended

Int. No. 483 - Establishing Maximum Compensation For A Professional Services Agreement For The Hillside Work Scholarship Connection Program And Amending Ordinance No. 2009-172

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul (Voted against Int. Nos. 438 and 439)
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-436 and
Local Law No. 13
Re: Agreement - Redflex Traffic Systems, Inc., Red Light Camera Project

Transmitted herewith for your approval is legislation related to the adoption and installation of a red light traffic enforcement camera system. This legislation will:

1. Establish a red-light traffic enforcement demonstration program as allowed by New York State Vehicle and Traffic Law. This program will:
 - Allow the installation of a camera monitoring system at up to 50 intersections;
 - Impose a fine of \$50 to the owners of vehicles failing to stop at red lights;
 - Assess an additional penalty of \$25 if the original fine is not paid within 30 days;
 - Provide for adjudication of citations in the City's Parking Violations Bureau; and
2. Authorize an agreement with Redflex Traffic Systems, Inc., Phoenix, AZ, to install, operate, monitor, and maintain a camera system at designated signalized traffic intersections to identify vehicles that fail to stop at red lights, and to process citations and the collection of fines, including Internet collections.

On April 2, 2009, the City Council adopted Resolution No. 2009-7, thereby authorizing New York State to allow the City of Rochester to establish a pilot program for the installation of cameras at up to 50 intersections to monitor red light violations. The State authorized the program pursuant to Chapter 22 of the Laws of the State 2009, which added a new section 1111-b to the Vehicle and Traffic Law to govern the program.

The goal of the Red Light Camera Project is to increase public safety through the reduction of traffic accidents caused by drivers who fail to stop at red lights. Data from several independent sources show significant reductions in the number of red light violations, as well as reductions in accidents and injuries. A summary of data is attached. In addition, using cameras for traffic enforcement will allow the Police Department more flexibility in assignment of officers for other purposes.

Using information provided through the Rochester Police Department and the County of Monroe, potential intersections for installation of red light cameras have been identified where traffic volume is highest and accidents are most likely to occur. The decision of which intersections will have cameras will be made jointly by the Police Chief and the City Engineer.

A Request for Proposals was issued to five firms known to provide this equipment/service; the RFP was also posted on the City's Web site. Proposals were received from four firms - Gatso USA (Beverly, MA), American Traffic Systems (Scottsdale, AZ), CMA Consulting Services (Latham, NY) and Redflex - and were reviewed by an interdepartmental team. Based on qualifications, cost, and experience, Redflex is recommended.

Redflex will provide the following services:

- Consultation/advice on intersection selection.
- Provision, installation, monitoring, and maintenance of all equipment.
- Processing of citations and collection of fines.
- Coordination with RPD and the City's Parking Violations Bureau for verification and any necessary adjudication of citations.
- Coordination with the County of Monroe for access to traffic signal equipment and payment for power use.

The system to be provided will have the capacity to:

- Provide still shots of vehicles approaching and moving through the intersection, available online to individuals receiving citations for review.
- Provide internet access to video clips of violations for those receiving citations.

- Process citation verification and payment online.

Once violations are recorded, they are reviewed by Redflex and forwarded to the Police Department for verification. Upon verification by the Police Department that a violation has occurred, Redflex will issue and mail citations to the owners of vehicles that have failed to stop at a red light, and collect the fines and any late fees. The citations will include instructions on accessing the Web site, where the vehicle owner will be able to view the still photos and video clip of the incident, and pay the fine.

The City will pay Redflex a fixed fee of \$4199 per camera per month, which will be provided from revenue generated by the collection of fines from violators. The agreement will provide for cost neutrality to the City; no payments to Redflex will be required in excess of revenue collected through the program. The fee may be changed annually based upon changes in the CPI.

The collection account will be available for review and auditing purposes to the City Treasurer.

The term of this agreement will be through December 1, 2014, the end date of the State's authorization of the demonstration program. The option of two two-year renewals will be included on condition of the State's continuation of the program.

Respectfully,
Robert J. Duffy
Mayor

Attachment No. AI-142

Ordinance No. 2009-436
(Int. No. 438, As Amended)

Authorizing [An] Agreements For A Red Light Camera 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 Redflex Traffic Systems, Inc. for a demonstration program imposing monetary liability on the owner of a motor vehicle for failure of an operator thereof to comply with traffic-control indications in the City in accordance with the provisions of § 1111-b of the New York State Vehicle and Traffic Law. Such agreement shall allow Redflex to install and operate traffic-control signal photo violation-monitoring devices at no more than fifty intersections within the City at any one time through December 1, 2014, with two additional renewal terms of two years each if § 1111-b is extended by the State. Redflex is authorized to prepare and mail notices of liability on behalf of the City, upon approval of such notices by a technician or police officer employed by the City, and to mail follow-up notices if requested by the City, and to]. The City shall collect fines and penalties for such violations in accordance with the schedule approved by the Parking Violations Bu-

reau. The agreement may provide for payment of such fines and penalties through the internet, upon terms, conditions and service fees as approved by the City Treasurer. The Mayor is further authorized to enter into such agreements as may be necessary with the County of Monroe and State of New York to implement the Red Light Camera Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$[4,199] 3,740 as a fixed monthly fee for each camera, together with costs to be approved by the City for additional services that may be provided by Redflex, and the City responsibility for damage or removal of Redflex equipment, and said amounts, or so much thereof as may be necessary, are hereby appropriated from funds to be received from fines and penalties collected for failure of an operator of a motor vehicle to comply with traffic-control indications. The monthly fees may change annually based upon changes in the Consumer Price Index. The agreement shall provide for cost neutrality for 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.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Warren - 6.

Nays - Councilmembers McFadden, Spaul - 2.

Local Law No. 13
(Int. No. 439)

Local Law Amending The City Charter With Respect To Owner Liability For The Failure Of A Motor Vehicle Operator To Comply With Traffic-Control Indications

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 a new subsection F to Section 6-6, Parking Violations Bureau, to read in its entirety as follows:

- F (1) The City hereby establishes a demonstration program in accordance with the provisions of § 1111-b of the New York State Vehicle and Traffic Law, imposing monetary liability on the owner of a motor vehicle for failure of an operator thereof to comply with traffic-control indications in the City. Such demonstration program shall allow for the installation and operation of traffic-control sig-

nal photo violation-monitoring devices at no more than fifty intersections within the City at any one time.

- (2) Adjudication of the liability imposed upon motor vehicle owners by this section shall be by the Parking Violations Bureau.
- (3) A motor vehicle owner liable for a violation pursuant to this program shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the Parking Violations Bureau. The liability of the owner pursuant to this program shall not exceed fifty dollars for each violation; provided, however, that an additional penalty not to exceed twenty-five dollars for each violation shall be added for the failure of the owner to respond to a notice of liability within thirty days from mailing of a notice of liability.

Section 2. This local law shall take effect immediately and shall expire on December 1, 2014.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 7.

Nays - Councilmember Spaul - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-437
Re: Agreement - New York State Office of Homeland Security, Urban Area Security Initiative Grant

Transmitted herewith for your approval is legislation authorizing an application to the New York State Office of Homeland Security for \$559,748 in grant funding through the Urban Area Security Initiative program for the Rochester Police and Fire Departments. Funding will be appropriated at a later date.

The term of this grant is August 1, 2009 to July 31, 2012. The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security. This year, the focus of funding primarily is for equipment for detecting and responding to chemical, biological, and/or explosive device incidents. The previous cycle of funding under this program was authorized by City Council Ord. No. 2008-390 in November 2008.

The grant award includes 3% for administrative overhead. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-437
(Int. No. 461)

Ordinance No. 2009-438
(Int. No. 462)

Authorizing An Application And Agreement For An Urban Area Security Initiative Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Homeland Security for funding for the Rochester Police and Fire Departments under the Urban Area Security Initiative Grant Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-438
Re: Tobacco Sales Enforcement Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funding in the amount of \$36,000 for compliance checks under the Tobacco Sales Enforcement Program, and amending the 2009-10 Budget of the Police Department by \$27,000 reflecting use of a portion of the funds. The remaining funds will be included in the 2010-11 Budget.

The Monroe County Department of Health will reimburse costs not to exceed \$36,000 for at least 400 compliance checks October 1, 2009 through September 30, 2010. This agreement will continue the enforcement program begun in April 1998, under which the Police Department will conduct inspections of licensed tobacco outlets, including cigarette vending machines, in the City.

These inspections monitor compliance with age restrictions on tobacco sales, by using underage "agents" who attempt to buy tobacco products. Rochester police officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

This enforcement program was most recently approved in October 2008. During the 2008-09 grant cycle, 461 compliance checks were carried out.

No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for the Tobacco Sales Enforcement Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$27,000, 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. 2009-439
Re: Agreements - Youth Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with three organizations for Youth Services projects as follows:

<u>Organization</u>	<u>Amount</u>
Baden Street Settlement	
Wise Guys Project	\$15,000
Borinquen Dance Theater, Inc.	
Dance Program	\$10,000
Rochester Community TV, Inc.	
Youth News Team	\$11,200

The cost of these agreements will be funded from the General Community Needs allocation of the 2009-10 Community Development Block Grant.

The Wise Guys Project provides training for adult and youth facilitators to deliver a life skills and teen pregnancy prevention curriculum to youth and young adults. This will be its second year of funding.

The Borinquen Dance Company will provide dance instruction, as well as workshops on work readiness, employment, citizenship and Hispanic culture workshops to participants. Additionally, youth will participate in community service activities. This

will be its second year of funding.

The Youth News Team will employ youth in media development to develop public service announcements on youth and family issues. This will be its second year of funding.

The Borinquen Dance Company, as per the Youth Services funding guidelines approved by City Council in 1981, is considered a project with matching funds and eligible for up to five years of funding. The others are considered projects without matching funds and eligible for up to three years of funding.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-143

Ordinance No. 2009-439
(Int. No. 463)

Authorizing Agreements For Youth Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Youth Services Projects or the following amounts are allocated for Youth Services Projects:

<u>Organization</u> <u>Program</u>	<u>Amount</u>
Baden Street Settlement Wise Guys	\$15,000
Borinquen Dance Theater, Inc. Dance Program	10,000
Rochester Community TV, Inc. Youth News Team	11,200

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$36,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

Section 3. The 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. 2009-440
Re: Agreement - Teaching & Training
By Design, LLC - Youth Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Teaching & Training by Design, LLC, Rochester (Arthur Brown, President) to extend the term to June 30, 2010 and increase maximum compensation by \$7,500, for a total of \$16,250. The original agreement for \$8,750 was executed in March 2009 and expires on March 29, 2010. The additional cost will be financed from the 2009-10 Budget of the Department of Recreation and Youth Services.

Teaching & Training By Design, LLC, will provide training using curricula previously developed by the firm for use with the City's Youth Training Academy (YTA) and the Volunteer Intern Program (VIP).

The consultant will provide two 20-hour courses in business/office skills, customer services, and computer skills training, to prepare students for targeted internships sessions as part of the YTA program. Each course will enroll 20 youth (40 total) ages 16-18.

The consultant will also provide two 20-hour courses in work readiness for the VIP program. Each course will enroll 15 youth (30 total), ages 13-15. The course focuses on team building and problem solving skills, in preparation for developing a team community service project to demonstrate the skills they've learned.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-440
(Int. No. 464)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Teaching & Training by Design, LLC for training for the Youth Training Academy and the Volunteer Intern Program. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-441
Re: STOP Violence Against Women
Recovery Grant

Transmitted herewith for your approval is legisla-

tion related to the Stop Violence Against Women Act Recovery Program. This legislation will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services for the application for, and receipt and use of a \$100,000 grant through the Stop Violence Against Women Act Recovery Program (VAWA Recovery) for the period February 1, 2010 through January 31, 2011; and
2. Amend the 2009-10 Budget of the Police Department by \$32,500 and Undistributed by \$9,200 to reflect a portion of these funds. The remaining funds will be included in the 2010-11 Budget.

The VAWA Recovery Program provides intensive case management services to chronic domestic violence families to end the cycle of violence in their homes. Forty-five families with seven or more police reports over the previous twelve months will be selected and assessed to identify issues causing the victims to remain in the abusive situation. The program will address mental health, chemical dependence, parenting concerns, financial problems, and other domestic violence issues. The victims will be helped to develop strategies and tools to enable them to become free of abusive treatment.

This is a one-time grant separate from the annual STOP Violence Against Women funding the City receives. The funds will support one full-time and one part-time temporary counseling specialist to be assigned to the Family & Victim Services Section of the Police Department, overtime for the counselors and police officers, and fringe benefits. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-441
(Int. No. 465)

Authorizing An Agreement For A STOP Violence Against Women Recovery Grant And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for a STOP Violence Against Women Recovery Grant.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$32,500 and to Undistributed Expense by the sum of \$9,200, which

amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-442
Re: Agreement - Tri-Data Division,
System Planning Corporation,
Study of Emergency Medical
Service Provision

Transmitted herewith for your approval is legislation establishing \$43,120 as maximum compensation for an agreement with TriData Division, System Planning Corporation (Arlington, VA) to provide an analysis of the City's provision of emergency medical services (EMS). The cost of this agreement will be funded from the 2009-10 Undistributed budget.

The consultant will conduct an analysis of the role of the Rochester Fire Department in the emergency medical response system, identify and analyze a range of options available to the City (including the status quo), conduct a cost-benefit analysis of each option, and assist in determining the City's appropriate role in EMS. The consultant will provide recommendations for an optimal structuring of RFD and EMS service provision to ensure top quality emergency medical response and sound fiscal responsibility.

A Request for Proposals (RFP) was issued on October 8, 2009, posted on the City website, distributed to the press, and sent directly to eight firms: TriData Division of System Planning Corporation; Center for Governmental Research(CGR); Fitch & Associates; Advanced Concepts, Inc.; RCC Consultants, Inc.; L. Robert Kimball & Associates; Towpath Associates; and The Polaris Group. Proposals were received from seven firms - TriData, CGR, Fitch & Associates, The Public Safety Research Group, Matrix Consulting Group, IPS, and The Polaris Group.

An inter-departmental review committee selected three firms for interviews - Tri-Data, CGR, and Fitch & Associates. Based on the qualifications, proposal, experience, references and cost, Tri-Data is recommended. While they are not a local firm, they were selected because their relevant experience exceeded that of any of the Rochester-based firms.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-442
(Int. No. 481)

Establishing Maximum Compensation For A

Professional Services Agreement For An EMS Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$43,120, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and TriData Division, System Planning Corporation, for a study of the provision of emergency medical services in the City. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaull, Warren - 7.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-443

Re: Agreement - University of Rochester Center for Community Health, Rochester Walks

Transmitted herewith for your approval is legislation establishing \$71,775 as maximum compensation for an agreement with the Center for Community Health, University of Rochester Medical Center, to implement the *Rochester Walks* program; and appropriating this amount from the New York State Department of Health Healthy Heart Program grant. Receipt of the grant, totaling \$72,270, was authorized by Council in July 2009.

Rochester Walks is a new City program that will build on the City's commitment to physical improvements in three of the four Focused Investment Strategy neighborhoods. The three neighborhoods were selected based on readiness, level of resident interest, and on the scope of work that can be accomplished within the project period.

The overall goal of the project is to encourage physical exercise. This will be accomplished through the creation and/or enhancement of walking routes to key destinations. These neighborhood walks, along with indoor facilities, will be promoted to area residents as venues for a variety of physical activities. *Rochester Walks* will also engage residents in developing and implementing physical activity programming that is specific to their needs and that addresses their particular barriers to physical activity.

A Request for Proposals for the implementation of this project was issued on May 29, 2009 and sent directly to eleven community health care agencies. Proposals were received from the IBERO-American Action League, the Urban League, the University of Rochester Medical Center, and Ac-

tion for a Better Community, and reviewed by an interdepartmental team that also included representatives of the Monroe County Department of Health. The UR and the ABC proposals were rated highest; it was suggested, and subsequently agreed to, that the two work collaboratively.

This is the first year of what is anticipated to be a five-year grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-443
(Int. No. 482, As Amended)

Authorizing An Agreement For The Rochester Walks 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 [Center for Community Health,] University of Rochester [Medical Center,] to implement the Rochester Walks Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$71,775, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York Department of Health Healthy Heart Program Grant Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-444

Re: Agreement - Hillside Work Scholarship Connection

Transmitted herewith for your approval is legislation relating to the Hillside Work Scholarship Connection program for City School District students. This legislation will:

1. Amend Ordinance No. 2009-172 to reduce maximum compensation to Hillside for Summer of Opportunity work experience to a total of \$64,000;
2. Establish \$736,000 as maximum compensation for an agreement with Hillside Work Scholarship Connection (HWSC) for the ongoing participation of 125 and the enrollment of 140 new participants in the Work Scholarship program. The cost of this agreement will

be funded from the 2008-09 Encumbrance Reserve created upon approval of Ord. No. 2009-172 (\$336,000) and the 2009-10 (\$400,000) Budgets of the Department of Recreation and Youth Services.

The HWSC program, established in 1987, helps at-risk urban students stay in school and achieve academic success. The program's mission is to increase the graduation rates by providing long-term advocacy, academic resources, life skills development, and job training. On average, 80% of participants in the program graduate from high school, which is almost twice the rate of their peers; and 80% of these graduates attend college.

As you know, the unanticipated loss of New York State funding created difficulties in fully implementing the planned activities for the 2009 Summer of Opportunity Program. One of the alternatives was the development of a unique partnership with HWSC to provide job training and summer work experience for up to 150 students who would subsequently be enrolled and fully engaged in the Work Scholarship program. Students who had applied through the City for summer jobs were referred to Hillside as candidates. However, for several reasons (e.g., scheduling constraints, student and family needs, students did not meet qualifying criteria) a much smaller number of students were employed.

In order to meet the intentions of Ordinance No. 2009-172, it is proposed that the City reimburse Hillside for the cost (\$64,000) of employing the 62 participating students during the summer of 2009. The remaining amount of the original \$400,000 authorized funds will be combined with the City's annual allocation for the Work Scholarship program.

Compensation to Hillside includes a 9% allocation for administration and overhead expenses. Individual students supported by City funds will be anonymously identified and tracked for periodic reports on their status and progress.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-444
(Int. No. 483)

Establishing Maximum Compensation For A Professional Services Agreement For The Hillside Work Scholarship Connection Program And Amending Ordinance No. 2009-172

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$736,000, 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 Hillside Children's Center for the Hillside Work Scholarship Connection Program. Of said amount, \$400,000 shall be funded from the 2009-10 Budget

of the Department of Recreation and Youth Services and \$336,000 shall be funded from the 2008-09 Reserve for Encumbrances (being the funds reduced in Section 2).

Section 2. Ordinance No. 2009-172, relating to the 2009 Summer of Opportunity Program, is hereby amended by decreasing the amount authorized and funded from the 2008-09 Budget of the Department of Recreation and Youth Services for an agreement with Hillside Children's Center for administration of the 2009 Summer of Opportunity Program by the sum of \$336,000, from \$400,000 to \$64,000.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember Warren - 1.

The meeting was adjourned at 9:00 p.m.

DANIEL B. KARIN
City Clerk

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**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2009**

Held May 13, 2008

Int. No. 190 - Amending The 2007-08 Budget For Demolition Of The Valley Court Apartments Neighborhood & Community Development Committee

Int. No. 203 - Establishing Maximum Compensation For A Professional Services Agreement For The Mayor's Literacy Initiative Finance Committee

Held October 14, 2008

Int. No. 396 - Authorizing An Application And Agreements For The Do The Right Thing Program And Amending The 2008-09 Budget Public Safety & Recreation Committee

Held November 25, 2008

Int. No. 428 - Authorizing Amendatory 2004-05, 2005-06, 2006-07 And 2007-08 Community Development Program Plans, Amending Ordinances And Amending The 2008-09 Budget For The School #28 After School Program Public Safety & Recreation Committee

Held December 23, 2008

Int. No. 467 - Authorizing Agreements For The Lease Of Municipal Lot #4 Economic Development & the Environment Committee

Int. No. 482 - Authorizing Agreements For Towing Services Public Safety & Recreation Committee

Held September 8, 2009

Int. No. 328 - Local Law Approving The Persons With Disabilities And Limited Incomes Tax Exemption Finance Committee

Held October 13, 2009

Int. No. 375 - Accepting Donation Of Parcel For Street Purposes Neighborhood & Community Development Committee

INDEX 2009
ABBREVIATIONS

Acq. - Acquire, Acquisition	L.I.O. - Local Improvement Ordinance
Admin. - Administration	L.L. - Local Law
Adpt. - Adopt	Lftd. - Lifted
Agree. - Agreement	Litig. - Litigation
Amend. - Amending, Amendment	Maint. - Maintenance
Appl. - Application	Max. - Maximum
Approp. - Appropriate, Appropriating	Mgr. - Manager
Appt(s). - Appoint, Appointment(s)	Mun. - Municipal
Assist. - Assistance	NET - Neighborhood Empowerment Team
Auth. - Authorize, Authority	Ofc. - Office
Bldg. - Building	Off. - Official
Cert. - Certified	Ord. - Ordinance
CHDO - Community Housing Development Organization	Pav. - Pavement
Class. - Classification	Pk. - Park
Comm. - Commission, Committee, Community, Commercial	Proj. - Project
Comp. - Compensation	Pssd. - Passed
Conserv. - Conservation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R.E. - Real Estate
Dedica. - Dedicate	R.O.W. - Right-of-Way
Demon. - Demonstration	Rec. - Recreation
Designa. - Designate	Rehab. - Rehabilitation
Dev. - Development	Rej. - Reject
Est(s). - Estimate(s)	Renew. - Renewal
Ext. - Extension	Resi. - Residential
Facil. - Facilities	Reso. - Resolution
FY - Fiscal Year	Rev. - Revenue
Gar. - Garage	Roch. - Rochester
H.R. - Home Rule	Svs. - Services
Hear. - Hearing	Tbld. - Tabled
Incr. - Increase	Tech. - Technology
Int. - Introductory, Introduced	Tr. - Transmittal
Indus. - Industrial	Var. - Various
	Wid. - Width
	Zon. - Zoning

61 COMMERCIAL REALTY LLC

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

234-250 ANDREWS ST. LLC

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

9-1-1 CENTER

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. security systems, Tr. letter, 171, Pssd., 171

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AIDS ROCHESTER, INC.

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2007-31, Tr. letter, 70, Pssd., 71

AP/AIM ROCHESTER HOTEL TRS, LLC

Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

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Auth. lease agree. for space in Port Terminal Bldg., Tr. letter, 241, Pssd., 242

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Establishing max. comp. for amend. professional svcs. agree. for Marina Market and Feasibility Study and amend. 2008-09 Budget, Tr. letter, 21, Pssd., 22

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Auth. agree. and approp. funds for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 106, Pssd., 107

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Auth. sale of real estate to Roch. Colonial Mfg., Tr. letter, 363, Pssd., 365

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Auth. amend. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2008-09 Budget, Tr. letter, 132, Pssd., 133

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Auth. agree. with Quad A for Kids and amend. 2009-10 Budget, Tr. letter, 326, Pssd., 327

Establishing max. comp. for professional svcs. agree. for After School Program Coordinator, Tr. letter, 345, Pssd., 345

Auth. amend. agree. relating to Roch. After School Academy 4 Program, amend. Ord. No. 2009-217 and 2009-10 Budget, Tr. letter, 346, Pssd., 347

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ALLRIGHT NEW YORK PARKING, INC.

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Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 300, 304-308 and 320 Andrews St. and 25 Evans St., Tr. letter, 372, Pssd., 373

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prenticeship Program, and Ord. No. 2003-346, Tr. letter, 25, Original proposed legislation held, 26, Tr. letter, 86, Amended legislation passed, 86

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BICKMORE RISK SERVICES AND CONSULTING

Establishing max. comp. for professional svcs. agree. for risk reduction svcs., Tr. letter, 332, Pssd., 333

BIZ KID\$

Auth. agree. and amend. Ord. No. 2008-34 and 2008-73 for Jr. Rec. Leader and Biz Kid\$ Programs, Tr. letter, 94, Pssd., 95

Auth. agree. and amend. 2009-10 Budget for Credit Education Bureau grant, Tr. letter, 381, Pssd., 382

BLESSED SACRAMENT CHURCH

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

BOLTON-ST. JOHNS, LLC

Establishing max. comp. for professional svcs. agree. for state lobbying svcs., Tr. letter, 35, Pssd., 36; Tr. letter, 297, Pssd., 297

BOMB SQUAD INITIATIVE PROGRAM

Auth. agree. for Bomb Squad Initiative Grant and Amend. 2009-10, Tr. letter, 379, Pssd., 380

BOARD OF ASSESSMENT REVIEW

Reso. approving appt. to Board of Assess-

ment Review, Tr. letter, 387, Adpt., 388

Reso. appt. temporary members to Board of Assessment Review, Tr. letter, 388, Adpt., 388

BONDS AND NOTES

Bond ord. auth. issuance of \$630,000 bonds to finance engineering svcs. for Highland Reservoir Liner Improvement Proj., Tr. letter, 49, Pssd., 50

Bond ord. auth. issuance of \$3,799,000 bonds to finance reconstruction of certain streets related to 2009 Street Improvement Program, Tr. letter, 52, Pssd., 53

Bond ord. auth. issuance of \$1,750,000 bonds to finance reconstruction of var. water mains related to 2009 Street Improvement Program, Tr. letter, 52, Pssd., 54

Bond ord. auth. issuance of \$678,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to 2009 Street Improvement Program, Tr. letter, 52, Pssd., 55

Bond ord. auth. issuance of \$328,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 58

Bond ord. auth. issuance of \$157,000 bonds to finance var. water mains related to Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 59

Bond ord. auth. issuance of \$550,000 bonds to finance cost of asbestos abatement and demolition of 300-320 Andrews St. and 25 Evans St., Tr. letter, 71, Pssd., 73

Bond ord. auth. issuance of \$1,600,000 bonds to finance cost of constr. of repairs to Roch. Riverside Convention Ctr., Tr. letter, 74, Pssd., 75

Bond ord. auth. issuance of \$380,000 bonds to finance cost of constr. and improvements to High Falls Parking Garage, Tr. letter, 79, Pssd., 80

Bond ord. auth. issuance of \$700,000 bonds to finance cost of constr. of certain street related improvements for La Avenida Streetscape Improvements Proj., Tr. letter, 80, Pssd., 85

Bond ord. auth. issuance of \$170,000 bonds to finance cost of acq. Of add. to street lighting system, Tr. letter, 101, Pssd., 102

Bond ord. auth. issuance of \$197,000 bonds to finance constr. of connector street between Emerson St. and Locust St., Tr. letter, 158, Pssd., 159

Bond ord. auth. issuance of \$1,970,000 bonds to finance reconstruction of var. water mains related to 2009 Water Main Extension and Improvements Program, Tr. letter, 201, Pssd., 203

Bond ord. auth. issuance of \$4,148,000 bonds to finance cost of reconstruction of Genesee Crossroads Parking Garage, Tr. letter, 287, Pssd., 288

Bond ord. auth. issuance of \$410,000 bonds to finance reconstruction of various water mains related to E. Henrietta Rd. Improvement Proj., Tr. letter, 311, Pssd., 313

Bond ord. auth. issuance of \$4,785,000 bonds to finance reconstruction of City's S. Clinton Ave. water supply conduit located in Town of

Brighton, Tr. letter, 313, Pssd., 315

Bond ord. auth. issuance of \$473,000 bonds to finance cost of const. and reconstruction of certain streets as part of Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 318

Bond ord. auth. issuance of \$142,500 bonds to finance reconstruction of var. water mains related to Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 319

Bond ord. auth. issuance of \$81,000 bonds to finance cost of environmental clean-up of City-owned parcels at 110-120 Colfax St., Tr. letter, 340, Pssd., 342

Bond ord. auth. execution and delivery of agree. of cooperation with County of Monroe and issuance of \$75,000 bonds to finance cost of design of certain shared green alternative fueling stations, Tr. letter, 368, Pssd., 369

Bond ord. auth. issuance of \$75,000 bonds to finance cost of environmental clean-up of City-owned parcels at 300, 304-308 and 320 Andrews St. and 25 Evans St., Tr. letter, 372, Pssd., 374

Bond ord. auth. issuance of \$725,000 bonds to finance cost of design and const. of Genesee Valley Park Ice Rink Compressor Replacement Proj., Tr. letter, 404, Pssd., 405

Bond ord. auth. issuance of \$880,000 bonds to finance reconstruction of Broad St. Tunnel, Tr. letter, 405, Pssd., 408

BORINQUEN DANCE THEATER, INC.

Auth. agree. for Youth Svs. Programs, Tr. letter, 414, Pssd., 415

BOULEVARD PARKWAY

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

BOYS & GIRLS CLUB OF ROCHESTER, INC.

Auth. agree. for STAR Program, Tr. letter, 292, Pssd., 292

BRIDGES

Approving economic recovery proj., Tr. letter, 80, Pssd., 84

Establishing max. comp. for professional svcs. agree. for Bridge and Structural Maint. Proj., Tr. letter, 156, Pssd., 156

BRIGHTON, TOWN OF

Auth. application and agree. for Justice Assist. Local Formula Grant, Tr. letter, 131, Pssd., 132

Auth. amend. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 203, Pssd., 204

Auth. inter-municipal agree. for Highland Ave. improvements., Tr. letter, 253, Pssd., 254

BRITE COMPUTERS

Establishing max. comp. for amend. professional svcs. agree. for Police MDT Fleet Standardization, Tr. letter, 225, Pssd., 226

BROAD STREET TUNNEL

Establishing max. comp. for amend. profes-

sional svcs. agree. for engineering design svcs. for Broad St. Tunnel Proj. and approp. funds, Tr. letter, 76, Pssd., 77

Auth. agree. for Broad St. Tunnel Proj. and approp. funds, Tr. letter, 405, Pssd., 407

Bond ord. auth. issuance of \$880,000 bonds to finance reconstruction of Broad St. Tunnel, Tr. letter, 405, Pssd., 408

BROADSTONE REAL ESTATE, LLC

Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza, Tr. letter, 62, Pssd., 63

BRODERICK, EILEEN

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 88, Adpt., 88

BROOKS AVENUE

Bond ord. auth. issuance of \$328,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 58

Bond ord. auth. issuance of \$157,000 bonds to finance var. water mains related to Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 59

Establishing max. comp. for professional svcs. agree. and approp. funds for Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 59

BROWN SQUARE PARK

Auth. agree. for dev. of Brown Sq. Park festival site, Tr. letter, 13, Pssd., 14

BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

Establishing max. comp. for professional svcs. agree. for appraisal svcs. agree. for appraisal svcs., Tr. letter, 177, Pssd., 178

Amend. Ord. No. 2009-156 and auth. agree. for University Ave. Improvement and ART-Walk2 Enhancement Projects and amend. 2009-10 Budget, Tr. letter, 371, Pssd., 372

BUDGETS, 2008-09

Amend. 2008-09 Budget for lead poisoning prevention, Tr. letter, 13, Pssd., 13

Auth. agree. and amend. 2008-09 Budget for after school program and amend. Ord. No. 2008-433 and 2008-09 Budget, Tr. letter, 28, Pssd., 28

Auth. application and agree. for Selective Traffic Enforcement Program and amend. 2008-09 Budget, Tr. letter, 30, Pssd., 31

Auth. application and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2008-09 Budget, Tr. letter, 31, Pssd., 32

Auth. grant agree. and amend. 2008-09 Budget for High Falls Centers, Tr. letter, 62, Pssd., 62

Amend. 2008-09 Budget for Office of Special Events and amend. Ord. N. 2008-394, Tr. letter, 65, Pssd., 66

Amend. 2008-09 Budget for Elite Basketball League, Tr. letter, 93, Pssd., 93

Amend. 2008-09 Budget to continue expanded hours at rec. sites, Tr. letter, 96, Pssd., 97

Auth. acq. of add. to street lighting system and amend. 2008-09 Budget, Tr. letter, 101, Pssd., 101

Amend. 2008-09 Budget for Demolition Program, Tr. letter, 112, Pssd., 112

Auth. grant agree. and amend. 2008-09 Budget for Northeast Bridges to Wellness Proj., Tr. letter, 130, Pssd., 130

Auth. grant agree. and amend. 2008-09 Budget for sports and fitness programs, Tr. letter, 130, Pssd., 130

Auth. amend. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2008-09 Budget, Tr. letter, 132, Pssd., 133

Auth. application and agree. for graffiti sensors and amend. 2008-09 Budget, Tr. letter, 134, Pssd., 135

Establishing max. comp. for professional svcs. agree. and amend. 2008-09 Budget for Summer of Opportunity Program, Tr. letter, 137, Held, 138, Pssd., 175

Acceptance of Library grants and amend. 2008-09 Budget, Tr. letter, 141, Pssd., 141

Amend. 2008-09 Budget for columbaria purchases, Tr. letter, 171, Pssd., 172

Auth. agree. for Disproportionate Minority Contact Discretionary Program grant and amend. 2008-09 Budget, Tr. letter, 226, Pssd., 226

Auth. grant agree. and amend. 2008-09 Budget for radar speed signs, Tr. letter, 226, Pssd., 227

Establishing max. comp. for agree. and amend. 2008-09 Budget with respect to Youth Summit, Tr. letter, 265, Pssd., 265

Amend. the 2008-09 Budget, Tr. letter, 272, Pssd., 273

BUDGETS, 2009-10

Amend. proposed 2009-10 Budget in regard to youth dev. - \$20,000, Tr. letter, 186, Pssd., 188

Amend. proposed 2009-10 Budget in regard to citizen support - \$10,500, Tr. letter, 186, Pssd., 188

Amend. proposed 2009-10 Budget in regard to cultural dev. - \$10,500, Tr. letter, 186, Pssd., 188

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

Reso. of budgetary intent - health benefits, Tr. letter, 189, Adpt., 189

Adpt. of budget est. for mun. purposes for 2009-10 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 190, Pub. hear., 175, Pssd., 192

Adpt. of budget est. for school purposes for fiscal year commencing July 1, 2009 and expiring June 30, 2010, and approp. of sums set forth therein, Tr. letter, Pub. hear., 175, Pssd., 195

Approving 2009-10 operating and capital budgets of Cultural Ctr. Commission, Tr. letter, 222, Pssd., 222

Auth. agree. for Youth Voice, One Vision and amend. 2009-10 Budget, Tr. letter, 262,

Pssd., 263

Acceptance of Library computer grant and amend. 2009-10 Budget, Tr. letter, 269, Pssd., 269

Amend. 2009-10 Budget with respect to Bureau of Planning and Zoning Intern Program, Tr. letter, 276, Pssd., 276

Auth. agree. and amend. 2009-10 Budget with respect to City Hall grant, Tr. letter, 286, Pssd., 287

Auth. agree. with respect to Proj. IMPACT IV and amend. 2009-10 Budget, Tr. letter, 323, Pssd., 324

Auth. agree. and amend. 2009-10 Budget with respect to COPS Grants, Tr. letter, 325, Pssd., 326

Auth. agree. with Quad A for Kids and amend. 2009-10 Budget, Tr. letter, 326, Pssd., 327

Amending 2009-10 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 343, Pssd., 344

Auth. agree. for Traffic Safety Grant and amend. 2009-10 Budget, Tr. letter, 344, Pssd., 344

Auth. agree. and amend. 2009-10 Budget for Roch. Re-Entry Program, Tr. letter, 344, Pssd., 345

Auth. amend. agree. relating to Roch. After School Academy 4 Program, amend. Ord. No. 2009-217 and 2009-10 Budget, Tr. letter, 346, Pssd., 347

Auth. agree. and amend. 2009-10 Budget for Health Foundation grant, Tr. letter, 348, Pssd., 348

Approp. funds and amend. 2009-10 Budget for South Ave. Garage insurance settlement, Tr. letter, 352, Pssd., 353

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

Amend. Ord. No. 2009-156 and auth. agree. for University Ave. Improvement and ART-Walk2 Enhancement Projects and amend. 2009-10 Budget, Tr. letter, 371, Pssd., 372

Auth. agree. for Bomb Squad Initiative Grant and Amend. 2009-10, Tr. letter, 379, Pssd., 380

Auth. agree. for Domestic Abuse Response Team grant and amend. 2009-10 Budget, Tr. letter, 380, Pssd., 380

Auth. agree. for special events svcs. for School District and amend. 2009-10 Budget, Tr. letter, 381, Pssd., 381

Auth. agree. and amend. 2009-10 Budget for Credit Education Bureau grant, Tr. letter, 381, Pssd., 382

Auth. agree. for Hillside Work Scholarship Connection Program and amend. 2009-10 Budget, Tr. letter, 350, Held, 350, Pssd., 383

Amend. Budget for transition expenses, Tr. letter, 388, Pssd., 389

Auth. agree. for Mt. Hope Cemetery grant and amend. 2009-10 Budget, Tr. letter, 402, Pssd., 403

Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace and amend. 2009-10 Budget, Tr. letter, 403, Pssd., 404

Auth. agree. for Tobacco Sales Enforcement

Program and amend. 2009-10 Budget, Tr. letter, 414, Pssd., 414

Auth. agree. for STOP Violence Against Women Recovery Grant and amend. 2009-10 Budget, Tr. letter, 415, Pssd., 416

BUILDING CODE

Amend. Chapter 39 of Mun. Code, Bldg. Code, with respect to stormwater pollution prevention measures, Tr. letter, 204, Pssd., 220; Tr. letter, 389, Pssd., 390

BUILDING OWNER'S REGISTRY

Amend. Chapter 90 of Mun. Code, Property Conservation Code, to establish bldg. owner's registry, Tr. letter, 12, Pssd., 13

BULL'S HEAD URBAN RENEWAL DISTRICT

Designating area to be known as Bull's Head Urban Renewal District, Tr. letter, 111, Pssd., 112

BURKE TERRACE

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

BUSINESS IMPROVEMENT DISTRICT

L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 129, Pub. hear., 99, Pssd., 129

BUSINESS PROGRAMS

Approving business programs and auth. amend. 2009-10 Comm. Dev. Program Plan, Tr. letter, 223, Pssd., 224

BYRD, TAMIKO

Establishing max. comp. for amend. professional svcs. agree. for fitness and nutrition classes, Tr. letter, 29, Pssd., 30

-C-

CAS REAL ESTATE, INC.

Amend. Ord. No. 2008-310, relating to sale of real estate in Roch. Science Park, Tr. letter, 127, Pssd., 127

CG DESIGN STUDIO, LLC

Establishing max. comp. for a professional svcs. Agree. for Water Operations Ctr. LEED Proj., Tr. letter, 21, Pssd., 21

CME ASSOCIATES

Auth. agree. for materials testing svcs., Tr. letter, 119, Pssd., 120

COBRA

Establishing max. comp. for professional svcs. agree. for COBRA admin. svcs., Tr. letter, 386, Pssd., 387

COPS

Auth. agree. and amend. 2009-10 Budget with respect to COPS Grants, Tr. letter, 325, Pssd., 326

C&S COMPANIES

Establishing max. comp. for professional svcs. agree. for Center City Circulator Study, Tr. letter, 322, Pssd., 322

CADY STREET

Approving sale by Roch. Urban Renewal Agency of 12-12.5 Cady St. and 49-49.5 and 51 Dr. Samuel McCree Way in Third Ward Urban Renewal Proj., Tr. letter, 149, Pub. hear., 135, Pssd., 150

CALABRESE, RICHARD

Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 88, Adpt., 88

CALIFORNIA ROLLIN II

Auth. lease agree. for space in Port Terminal Bldg., Tr. letter, 241, Pssd., 242

CAMERAS

Reso. for purpose of Home Rule Message regarding State legislation relative to owner liability for failure of operator to comply with traffic control indications, Tr. letter, 97, Adpt., 98

Auth. agree. for Red Light Camera Program, Tr. letter, 411, Pssd., 413

L.L. amend. City Charter with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indicators, Tr. letter, 411, Pssd., 413

CAMERON COMMUNITY MINISTRIES

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

CAPRON STREET LOFTS

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

CARTER STREET

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to Carter Street, Tr. letter, 308, Pub. hear., 295, Pssd., 309

Approving changes in pav. width of Carter St. to install right turn lane at Route 104 frontage road, Tr. letter, 308, Pub. hear., 295, Pssd., 309

CARTHAGE DRIVE

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

CASCADE HISTORIC DISTRICT

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 121, Pub. hear., 99, Pssd., 122

L.I.O. - Establishing operating and maint. costs of special assessment districts for street-scape enhancements, Tr. letter, 121, Pub. hear., 99, Pssd., 122

CATHOLIC CHARITIES

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord.

No. 2007-31, Tr. letter, 70, Pssd., 71
 Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199
 Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

CATHOLIC FAMILY CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199
 Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

CEMETERIES

Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 51, Pssd., 51

Amend. 2008-09 Budget for columbaria purchases, Tr. letter, 171, Pssd., 172

Establishing max. comp. for professional svcs. agree. for Mt. Hope Cemetery Crematory Family Room Proj., Tr. letter, 227, Pssd., 227

Auth. applications and agree. for grants for High Falls and Mt. Hope Cemetery, Tr. letter, 310, Pssd., 311

Establishing max. comp. for amend. professional svcs. agree. for Mt. Hope Cemetery Study, Tr. letter, 324, Pssd., 324

Auth. agree. for Mt. Hope Cemetery grant and amend. 2009-10 Budget, Tr. letter, 402, Pssd. 403

Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace and amend. 2009-10 Budget, Tr. letter, 403, Pssd., 404

CENTER CITY

Auth. application and agree. for grant under Restore NY Community Initiative Program, Tr. letter, 112, Pub. hear., 99, Pssd., 114

Establishing max. comp. for professional svcs. agree. for Center City Circulator Study, Tr. letter, 322, Pssd., 322

CENTER FOR DISPUTE SETTLEMENT, INC.

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 264, Pssd., 264

CENTER FOR GOVERNMENTAL RESEARCH

Establishing max. comp. for professional svcs. agree. for evaluation of ESG and HOPWA programs, Tr. letter, 200, Pssd., 201

CENTER FOR YOUTH

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 95, Pssd., 95

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 229, Pssd., 229

Auth. facilities repair agree. for Emergency Shelter Grant Program, Tr. letter, 398, Pssd., 399

CENTRAL PARK

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

CENTRAL PARKING

Auth. amend. agree. for operation of Court St. and High Falls Parking Garages, Tr. letter, 271, Pssd., 271

CENTRAL VEHICLE MAINTENANCE FACILITY

Auth. grant applications and agree. for Water Quality Improvement Proj., Tr. letter, 339, Pssd., 340

CHALLENGED STREETS PROGRAM

Auth. acq. Of 755 S. Plymouth Ave. as part of Challenged Streets Program, Tr. letter, 44, Pssd., 44

CHARLES SETTLEMENT HOUSE

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 95, Pssd., 96

Auth. amend. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2008-09 Budget, Tr. letter, 132, Pssd., 133

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

CHARLOTTE COMMUNITY ASSOCIATION

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

CHESTNUT STREET

L.I.O. - Areaway repair at 50 Chestnut St. as part of Lawn St. Improvement Proj., Tr. letter, 316, Pub. hear., 295, Pssd., 320

CHILDREN'S INSTITUTE

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 229, Pssd., 229

Auth. amend. agree. relating to Roch. After School Academy 4 Program, amend. Ord. No. 2009-217 and 2009-10 Budget, Tr. letter, 346, Pssd., 347

CITIZEN COMPLAINT SERVICES

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 264, Pssd., 264

CITIZEN SUPPORT

Amend. proposed 2009-10 Budget in regard to citizen support - \$10,500, Tr. letter, 186, Pssd., 188

CITY ARTS POLICY

Amend. Ord. No. 2007-468, City Arts Policy, Tr. letter, 236, Pssd., 237

CITY AT PEACE-ROCHESTER PROJECT

Auth. agree. for City at Peace-Roch. Proj., Tr. letter 347, Pssd., 348

CITY CHARTER

L.L. amend. City Charter with respect to inspection warrants, Tr. letter, 3, Held, 9, Tr. let-

ter discussing amend., 37, Pssd., 42
 L.L. amend. City Charter with respect to salary of Mayor, Tr. letter, 36, Pssd., 37
 L.L. amend. City Charter with respect to salary of members of City Council, Tr. letter, 36, Pssd., 37
 L.L. amend. City Charter with respect to creation of Dept. of Neighborhood and Business Dev., Tr. letter, 142, Pssd., 147
 L.L. amend. City Charter with respect to parking, Tr. letter, 178, Pssd., 180
 Amend. Charter of City of Roch. with respect to delegation of authority by the Mayor, Tr. letter, 389, Pssd., 392
 L.L. amend. Charter of City of Roch. with respect to official newspapers, Tr. letter, 389, Pssd., 393
 L.L. amend. City Charter with respect to owner liability for failure of motor vehicle operator to comply with traffic-control indicators, Tr. letter, 411, Pssd., 413

CITY DEVELOPMENT FUND

Approp. of funds for City Dev. Fund, Tr. letter, 150, Pssd., 152

CITY HALL

Auth. agree. and amend. 2009-10 Budget with respect to City Hall grant, Tr. letter, 286, Pssd., 287

Auth. grant applications and agree. for Water Quality Improvement Proj., Tr. letter, 339, Pssd., 340

CITY PLANNING COMMISSION

Reso. approving appt. to City Planning Commission, Tr. letter, 247, Adpt., 247

CITY SCHOOL DISTRICT

Auth. agree. and amend. 2008-09 Budget for after school program and amend. Ord. No. 2008-433 and 2008-09 Budget, Tr. letter, 28, Pssd., 28

Auth. agree. relating to construction svcs. at Clinton-Baden Comm. Ctr., Tr. letter, 28, Pssd., 29

Auth. agree. relating to reimbursement for school resource officers, Tr. letter, 29, Pssd., 29

Adpt. of budget est. for school purposes for fiscal year commencing July 1, 2009 and expiring June 30, 2010, and approp. of sums set forth therein, Tr. letter, Pub. hear., 175, Pssd., 195

Levying taxes for school purposes for fiscal year commencing July 1, 2009 and expiring June 30, 2010, Tr. letter, 190, Pssd., 195

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

Auth. agree. and amend. 2009-10 Budget for Roch. Re-Entry Program, Tr. letter, 344, Pssd., 345

Auth. agree. for Hillside Work Scholarship Connection Program and amend. 2009-10 Budget, Tr. letter, 350, Held, 350, Pssd., 383

Auth. agree. for special events svcs. for School District and amend. 2009-10 Budget, Tr. letter, 381, Pssd., 381

CIVIL SERVICE

Amend. Mun. Code with respect to fees for Civil Service examinations, Tr. letter, 190,

Pssd., 193

CLAY, MARANNE MCDADE

Establishing max. comp. for amend. professional svcs. agree. for grant writer, Tr. letter, 263, Pssd., 263

CLIFFORD AVENUE

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to corner of Hudson Ave. and Clifford Ave., Tr. letter, 399, Pub. hear., 384, Pssd., 400

CLIMATE ACTION PLAN

Reso. in support of environment and climate protection actions, Tr. letter, 289, Adpt., 290

CLINTON-BADEN COMMUNITY CENTER

Auth. agree. relating to construction svcs. at Clinton-Baden Comm. Ctr., Tr. letter, 28, Pssd., 29

COBBS HILL VILLAGE

Extending rights relating to Plymouth Gardens, Seth Green Park and Cobbs Hill Village Housing Proj., Tr. letter, 11, Pssd., 12

CODE ENFORCEMENT

Amend. Mun. Code with respect to code enforcement procedures and charges, Tr. letter, 389, Pssd., 391

COLEBOURNE ROAD

Approving increase in pav. width of Colebourne Rd., Tr. letter, 123, Pub. hear., 99, Pssd., 123

COLFAX STREET

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 110-210 Colfax St., Tr. letter, 340, Pssd., 341

Bond ord. auth. issuance of \$81,000 bonds to finance cost of environmental clean-up of City-owned parcel at 110-120 Colfax St., Tr. letter, 340, Pssd., 342

COMFORT STREET

Accepting donation of parcel for street purposes, Tr. letter, 337, Pssd., 337

COMMERCIAL STREET

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

COMMUNITY ANTI-VIOLENCE PROGRAM

Amend. proposed 2009-10 Budget in regard to citizen support - \$10,500, Tr. letter, 186, Pssd., 188

COMMUNITY BEAUTIFICATION

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

COMMUNITY DEVELOPMENT PROGRAM PLANS

Auth. amend. 2007-08 and 2008-09 Comm. Dev. Program Plans and auth. agree. for Emer-

gency Assist. Repair Program, Tr. letter, 411 (2008), Pub. hear., 395 (2008), Pssd., 15

Auth. amend. 2004-05, 2006-07 and 2007-08 Comm. Dev. Program Plans, amend. Ord. No. 2008-259 and auth. loan agree. for Erie Harbor Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 17

Auth. amend. 2006-07 Comm. Dev. Program Plan to transfer funds to Job Creation/Youth Dev. Account, Tr. letter, 32, Pub. hear., 1, Pssd., 32

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Auth. amend. 2005-06 and 2006-07 Comm. Dev. Program Plans to fund foreclosure prevention, Tr. letter, 243, Pub. hear., 234, Pssd., 248

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Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and E. Henrietta Rd. improvements and amend. Ord. No. 2005-83, Tr. letter, 77, Pssd., 79

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Establishing max. comp. for professional svcs. agree. for design of Culver Rd. Improvement Proj., Tr. letter, 123, Pssd., 125

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Establishing max. comp. for professional svcs. agree. for design of Jefferson Ave. Improvement Proj., Tr. letter, 253, Pssd., 253

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Establishing max. comp. for professional svcs. agree. for Parking Garage Evaluation and Maint. Program, Tr. letter, 366, Pssd., 366

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Establishing max. comp. for professional svcs. agree. for Erie Harbor Park design, Tr. letter, 402, Pssd., 402

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Establishing max. comp. for amend. professional svcs. agree. for environmental cleanup of

415 Orchard St. and 354 Whitney St., Tr. letter, 370, Pssd., 371

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 300, 304-308 and 320 Andrews St. and 25 Evans St., Tr. letter, 372, Pssd., 373

Bond ord. auth. issuance of \$75,000 bonds to finance cost of environmental clean-up of City-owned parcels at 300, 304-308 and 320 Andrews St. and 25 Evans St., Tr. letter, 372, Pssd., 374

ENVIRONMENTAL TESTING & CONSULTING, INC.

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Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

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Bond ord. auth. issuance of \$550,000 bonds to finance cost of asbestos abatement and demolition of 300-320 Andrews St. and 25 Evans St., Tr. letter, 71, Pssd., 73

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 300, 304-308 and 320 Andrews St. and 25 Evans St., Tr. letter, 372, Pssd., 373

Bond ord. auth. issuance of \$75,000 bonds to finance cost of environmental clean-up of City-owned parcels at 300, 304-308 and 320 Andrews St. and 25 Evans St., Tr. letter, 372, Pssd., 374

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Auth. sale of real estate and release of reversionary rights to FIGHT Village Housing Proj., Tr. letter, 357, Pssd., 358

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Approving economic recovery proj., Tr. letter, 80, Pssd., 84

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and S. Clinton Ave. Enhancement Proj., Tr. letter, 125, Pssd., 125

Establishing max. comp. for professional svcs. agree. for Parking Garage Evaluation and Maint. Program, Tr. letter, 366, Pssd., 366

Establishing max. comp. for professional svcs. agree. for Erie Harbor Park design, Tr. letter, 402, Pssd., 402

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FERGUSON GROUP LLC, THE

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Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

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Auth. agree. for dev. of Brown Sq. Park festival site, Tr. letter, 13, Pssd., 14

Establishing max. comp. for professional svcs. agree. for film festival celebrating work of women, Tr. letter, 89, Pssd., 89

Establishing max. comp. for professional svcs. agree. for Riverside Festival Site management, Tr. letter, 184, Pssd., 185

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Establishing max. comp. for agree. with Protectives, Inc. for property protection and salvage svcs., Tr. letter, 170, Pssd., 171

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Roch. Fire Dept., Tr. letter, 232, Pssd., 233

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FIRST CONSULTING, INC.

Establishing max. comp. for amend. professional svcs. agree. for information technology svcs., Tr. letter, 238, Pssd., 238

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FLAUM MANAGEMENT, INC.

Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza, Tr. letter, 62, Pssd., 63; Tr. letter, 328, Pssd., 329

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Auth. agree. with County of Monroe for green fueling stations, Tr. letter, 368, Pssd., 368

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Auth. agree. with FBI for fueling of vehicles, Tr. letter, 369, Pssd., 370

GARDENS

Auth. amend. agree. for Sector 3 Community Garden Beautification Proj. as part of Sector Targeted Initiative Program, Tr. letter, 200, Pssd., 200

GARTNER, INC.

Establishing max. comp. for amend. professional svcs. agree. for information technology advisory svcs., Tr. letter, 66, Pssd., 66

GAY ALLIANCE OF THE GENESEE VALLEY

Amend. proposed 2009-10 Budget in regard to citizen support - \$10,500, Tr. letter, 186, Pssd., 188

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Approving property tax exemption and auth. in-lieu-of-tax agree. for Monica Place Rental Housing Proj., Tr. letter, 45, Pssd., 46

GENESEE VALLEY PARK

Auth. license agree. for use of Genesee Valley Park premises, Tr. letter, 92, Pssd., 92

Auth. ext. of agree. with University of Roch. for use of Genesee Valley ice rink, Tr. letter, 92, Pssd., 93

Establishing max. comp. for professional svcs. agree. for Genesee Valley Park Ice Rink Compressor Replacement Proj., Tr. letter, 404, Pssd., 404

Bond ord. auth. issuance of \$725,000 bonds to finance cost of design and const. of Genesee Valley Park Ice Rink Compressor Replacement Proj., Tr. letter, 404, Pssd., 405

GENESEE WATERWAYS CENTER, INC.

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Auth. application and agree. for graffiti sensors and amend. 2008-09 Budget, Tr. letter, 134, Pssd., 135

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Auth. grant agree. and amend. 2008-09 Budget for High Falls Centers, Tr. letter, 62, Pssd., 62

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Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2007-31, Tr. letter, 70, Pssd., 71

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Auth. application and agree. for graffiti sensors and amend. 2008-09 Budget, Tr. letter, 134, Pssd., 135

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Auth. amend. 2008-09 Comm. Dev. Program Plan, auth. agree. and approp. funds for American Recovery and Reinvestment Act of 2009 and repealing Ord. No. 2009-110, Tr. letter, 173, Pssd., 174

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Acceptance of Library computer grant and amend. 2009-10 Budget, Tr. letter, 269, Pssd., 269

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Auth. grant application and agree. for Port of Roch. Public Marina Proj., Tr. letter, 288, Pssd., 289

Auth. grant agree. with NYS Crime Victims Board, Tr. letter, 291, Pssd., 291

Auth. competitive grant applications, Tr. letter, 299, Pssd., 300

Auth. applications and agree. for grants for High Falls and Mt. Hope Cemetery, Tr. letter, 310, Pssd., 311

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Auth. grant applications and agree. for Local Waterfront Revitalization Proj., Tr. letter, 338, Pssd., 339

Auth. grant applications and agree. for Water Quality Improvement Proj., Tr. letter, 339, Pssd., 340

Auth. agree. for Traffic Safety Grant and

amend. 2009-10 Budget, Tr. letter, 344, Pssd., 344

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L.L. amend. Charter of City of Roch. with respect to assistance for affordable housing, Tr. letter, 362, Pssd., 362

Auth. agree. for Bomb Squad Initiative Grant and Amend. 2009-10, Tr. letter, 379, Pssd., 380

Auth. agree. for Domestic Abuse Response Team grant and amend. 2009-10 Budget, Tr. letter, 380, Pssd., 380

Auth. agree. and amend. 2009-10 Budget for Credit Education Bureau grant, Tr. letter, 381, Pssd., 382

Auth. agree. for Mt. Hope Cemetery grant and amend. 2009-10 Budget, Tr. letter, 402, Pssd. 403

Auth. appl. and agree. for Urban Area Security Initiative Grant, Tr. letter, 413, Pssd., 414

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Auth. agree. for economic dev. support svcs., Tr. letter, 257, Pssd., 257

GREATER ROCHESTER HEALTH FOUNDATION

Auth. grant agree. and amend. 2008-09 Budget for sports and fitness programs, Tr. letter, 130, Pssd., 130

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GREATER ROCHESTER HOUSING PARTNERSHIP

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Auth. agree. for 2009 Justice Assistance Grant Program, Tr. letter, 322, Pssd., 323

GREEN FUELING STATIONS

Auth. agree. with County of Monroe for

green fueling stations, Tr. letter, 368, Pssd., 368

Bond ord. auth. execution and delivery of agree. of cooperation with County of Monroe and issuance of \$75,000 bonds to finance cost of design of certain shared green alternative fueling stations, Tr. letter, 368, Pssd., 369

GREGORY STREET

Approving granting of permanent environmental easement over 399 Gregory St., Tr. letter, 321, Pssd., 321

GREGORY STREET TRANSFER LLC

Auth. loan agree. for south Ave. Commons Proj., Tr. letter, 240, Pssd., 241

GUARDIAN LIFE INSURANCE COMPANY OF AMERICA

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Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

HARBOR VIEW CAFÉ, LLC

Auth. lease agree. for space in Port Terminal Bldg., Tr. letter, 241, Pssd., 242

HAYWARD AVENUE

Changing zoning class. of 330-332 Hayward Ave. from R-1 Low Density Residential to C-2 Community Ctr., Tr. letter, 248, Pub. hear., 234, Pssd., 249

HAZARDOUS SIDEWALK REPLACEMENT PROJECT

Establishing max. comp. for professional svcs. agree. for Hazardous Sidewalk Replacement Proj., Tr. letter, 250, Pssd., 251

HAZELWOOD TERRACE

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

HEALTHY HEART PROGRAM

Auth. agree. for Health Heart Program grant, Tr. letter, 199, Pssd., 200

HEBARD STREET

Establishing max. comp. for professional svcs.

agree. for Trinidad St., Hebard St. and Trinidad St. Parking Lot Improvement Proj., Tr. letter, 55, Pssd., 56

HIGH FALLS

Auth. grant agree. and amend. 2008-09 Budget for High Falls Centers, Tr. letter, 62, Pssd., 62

Establishing max. comp. for professional svcs. agree. for new High Falls laser show, Tr. letter, 88, Pssd., 89

Establishing max. comp. for professional svcs. agree. for film festival celebrating work of women, Tr. letter, 89, Pssd., 89

Establishing max. comp. for professional svcs. agree. for High Falls laser show, Tr. letter, 222, Pssd., 223

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 223, Pssd., 223

Auth. applications and agree. for grants for High Falls and Mt. Hope Cemetery, Tr. letter, 310, Pssd., 311

Establishing max. comp. for agree. for High Falls Festival Site maintenance svcs., Tr. letter, 311, Pssd., 311

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Auth. tax delinquency and Section 108 Loan agree. for High Falls Brewing Co. properties, Tr. letter, 33, Pssd., 34

HIGH FALLS BUSINESS IMPROVEMENT DISTRICT

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HIGH FALLS DEVELOPMENT CORPORATION

Establishing max. comp. for agree. for High Falls Festival Site maintenance svcs., Tr. letter, 311, Pssd., 311

HIGH FALLS PARKING GARAGE

Bond ord. auth. issuance of \$380,000 bonds to finance cost of constr. and improvements to High Falls Parking Garage, Tr. letter, 79, Pssd., 80

Auth. agree. for parking in High Falls Garage, Tr. letter, 128, Pssd., 128

Auth. amend. agree. for operation of Court St. and High Falls Parking Garages, Tr. letter, 271, Pssd., 271

HIGH SCHOOL LEADERSHIP FORUM

Amend. proposed 2009-10 Budget in regard to youth dev. - \$20,000, Tr. letter, 186, Pssd., 188

HIGHLAND AVENUE

Auth. inter-municipal agree. for Highland Ave. improvements., Tr. letter, 253, Pssd., 254

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Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

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HIGHLAND RESERVOIR

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Bond ord. auth. issuance of \$630,000 bonds to finance engineering svcs. for Highland Reservoir Liner Improvement Proj., Tr. letter, 49, Pssd., 50

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Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 88, Adpt., 88

HILLSIDE AVENUE

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

HILLSIDE CHILDREN'S CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

Auth. agree. for Hillside Work Scholarship Connection Program and amend. 2009-10 Budget, Tr. letter, 350, Held, 350, Pssd., 383

Establishing max. comp. for professional svcs. agree. for Hillside Work Scholarship Connection Program and amend. Ord. No. 2009-172, Tr. letter, 417, Pssd., 418

HILLSIDE WORK SCHOLARSHIP CONNECTION

Establishing max. comp. for professional svcs. agree. and amend. 2008-09 Budget for Summer of Opportunity Program, Tr. letter, 137, Held, 138, Pssd., 175

Auth. agree. for Hillside Work Scholarship Connection Program and amend. 2009-10 Budget, Tr. letter, 350, Held, 350, Pssd., 383

Establishing max. comp. for professional svcs. agree. for Hillside Work Scholarship Connection Program and amend. Ord. No. 2009-172, Tr. letter, 417, Pssd., 418

HITE, R.K., & CO.

Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza, Tr. letter, 62, Pssd., 63; Tr. letter, 328, Pssd., 329

HOJACK RAILROAD

Auth. acq. of former Hojack Railroad right-of-way, Tr. letter, 118, Pssd., 118

HOLIDAY SHOPPER AND SPECIAL EVENTS FREE PARKING PROGRAM

Auth. Holiday Shopper and Special Events

Free Parking Program at Mun. Parking Garages, Tr. letter, 374, Pssd., 375

HOME RULE MESSAGE

Reso. for purpose of Home Rule Message regarding State legislation relative to owner liability for failure of operator to comply with traffic control indications, Tr. letter, 97, Adpt., 98

HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM

Auth. amend. 2008-09 Comm. Dev. Program Plan for Homeless Prevention and Rapid Re-Housing Program, Tr. letter, 152, Pub. hear., 135, Pssd., 153

Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

HORTICULTURAL SERVICES

Establishing max. comp. for amend. professional svcs. agree. for horticultural svcs., Tr. letter, 381, Pssd., 381

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Extending rights relating to Plymouth Gardens, Seth Green Park and Cobbs Hill Village Housing Proj., Tr. letter, 11, Pssd., 12

Auth. amend. 2004-05, 2006-07 and 2007-08 Comm. Dev. Program Plans, amend. Ord. No. 2008-259 and auth. loan agree. for Erie Harbor Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 17

Auth. loan agree. for Monica Place Rental Housing Proj., Tr. letter, 45, Pssd., 46

Approving property tax exemption and auth. in-lieu-of-tax agree. for Monica Place Rental Housing Proj., Tr. letter, 45, Pssd., 46

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2007-31, Tr. letter, 70, Pssd., 71

Auth. loan agree. for Northwest Apt. Proj., Tr. letter, 108, Pssd., 109

Auth. sale of real estate for Northwest Apt. Proj., Tr. letter, 108, Pssd., 110

Approving property tax exemption and auth. in-lieu of tax agree. for Northwest Apt. Proj., Tr. letter, 108, Pssd., 110

Auth. agree. for Aging In Place Home Modification Program, Tr. letter, 110, Pssd., 111

Approving Consolidated Comm. Dev. Plan/2009-10 Annual Action Plan, Tr. letter, 150, Pub. hear., 135, Pssd., 152

Auth. amend. 2008-09 Comm. Dev. Program Plan for Homeless Prevention and Rapid Re-Housing Program, Tr. letter, 152, Pub. hear., 135, Pssd., 153

Auth. amend. 2009-10 Comm. Dev. Program Plan, Tr. letter, 173, Pssd., 174

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Establishing max. comp. for professional svcs. agree. for evaluation of ESG and HOPWA programs, Tr. letter, 200, Pssd., 201

Auth. loan agree. for south Ave. Commons Proj., Tr. letter, 240, Pssd., 241

Approving Consolidated Plan Housing Programs and amend. Ord. No. 2009-196, 2007-184 and 2006-92, Tr. letter, 243, Pssd., 245

Auth. sale of real estate for El Camino Estates Proj., Tr. letter, 245, Pssd., 247

Approving property tax exemption and auth. in-lieu-of-tax agree. for El Camino Estates Proj., Tr. letter, 245, Pssd., 247

Auth. amend. 2005-06 and 2006-07 Comm. Dev. Program Plans to fund foreclosure prevention, Tr. letter, 243, Pub. hear., 234, Pssd., 248

Auth. amend. 2003-04 and 2004-05 Comm. Dev. Program Plans and auth. loan agree. for El Camino Estates Proj., Tr. letter, 245, Pub. hear., 234, Pssd., 248

Approp. funds for Private Housing Demolition Program, Tr. letter, 276, Pssd., 277

Auth. sale of real estate for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approving loan agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approp. funds and auth. agree. For Focused Investment Strategy Exterior and Security Rehabilitation Program, Tr. letter, 280, Pssd., 282

Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

Amend. Ord. No. 2009-235 relating to tax exemption for El Camino Estates Proj., Tr. letter, 301, Pssd., 303

Amend. Ord. No. 2009-234 relating to El Camino Estates Proj. and amend. Ord. No. 2009-278, Tr. letter, 301, Pssd., 304

Auth. agree. for Tenant Svcs. Program, Tr. letter, 304, Pssd., 305

Auth. agree. for Landlord Svcs. Program, Tr. letter, 305, Pssd., 306

Auth. loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 306, Pssd., 307

Approving loan agree. for F.I.G.H.T. Village Apartments Renovation Proj., Tr. letter, 334, Pssd., 335

Approving property tax exemption and auth. in-lieu-of-tax agree. for F.I.G.H.T. Village Apartments Renovation Proj., Tr. letter, 334, Pssd., 335

Auth. sale of real estate and release of reversionary rights to FIGHT Village Housing Proj., Tr. letter, 357, Pssd., 358

Auth. agree. for Asset Control Area Program, Tr. letter, 358, Pssd., 359

L.L. amend. Charter of City of Roch. with respect to assistance for affordable housing, Tr. letter, 362, Pssd., 362

Auth. agree. and approp. funds for Neighborhood Stabilization Program, Tr. letter, 395, Pssd., 396

Amend. Ord. No. 2009-195, relating to Tenant Education Program, Tr. letter, 396, Pssd., 396

Approving property tax exemption and auth. in-lieu-of-tax agree. and ext. of reversionary interest for Westfall Heights Apartments Renovation Project, Tr. letter, 396, Pssd., 397

Auth. facilities repair agree. for Emergency Shelter Grant Program, Tr. letter, 398, Pssd.,

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HOUSING COUNCIL IN THE MONROE COUNTY AREA, INC.

Auth. agree. and approp. funds for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 106, Pssd., 107

Auth. agree. for tenant education program, Tr. letter, 197, Pssd., 198

Approving Consolidated Plan Housing Programs and amend. Ord. No. 2009-196, 2007-184 and 2006-92, Tr. letter, 243, Pssd., 245

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2007-31, Tr. letter, 70, Pssd., 71

Establishing max. comp. for professional svcs. agree. for evaluation of ESG and HOPWA programs, Tr. letter, 200, Pssd., 201

HOUSING OPPORTUNITIES HOUSING DEVELOPMENT FUND CORPORATION

Approving property tax exemption and auth. in-lieu-of-tax agree. for Monica Place Rental Housing Proj., Tr. letter, 45, Pssd., 46

HUDSON AVENUE

Changing zoning class. of portion of 583-585 Hudson Ave. from R-1 Low Density Residential to C-1 Neighborhood Ctr., Tr. letter, 399, Pub. hear., 384, Pssd., 400

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to corner of Hudson Ave. and Clifford Ave., Tr. letter, 399, Pub. hear., 384, Pssd., 400

HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C.

Establishing max. comp. for professional svcs. agree. and approp. funds for Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 59

HUNTINGTON PARK

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

HYATT CORPORATION

Auth. new agree. for lease of space in South Ave. Parking Garage, Tr. letter, 386 (2008), Pssd., 27

Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

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IBERO-AMERICAN DEVELOPMENT CORPORATION

Auth. sale of real estate for El Camino Estates Proj., Tr. letter, 245, Pssd., 247

Approving property tax exemption and auth. in-lieu-of-tax agree. for El Camino Estates Proj., Tr. letter, 245, Pssd., 247

Auth. amend. 2003-04 and 2004-05 Comm. Dev. Program Plans and auth. loan agree. for El

Camino Estates Proj., Tr. letter, 245, Pub. hear., 234, Pssd., 248

IBERO ARTS PROGRAM

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

ICE HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 347, Pssd., 347

IGLESIA EDUCATIONAL CENTERS

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

IMAGEOUT

Establishing max. comp. for agree. for film festival, Tr. letter, 296, Pssd., 296

INCENTIVE PROGRAM

Amend. Ord. No. 2003-347, relating to Apprenticeship Program, and Ord. No. 2003-346, Tr. letter, 25, Original proposed legislation held, 26, Tr. letter, 86, Amended legislation passed, 86

IN-CONTROL COLLABORATION WITH BADEN STREET

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

INDEPENDENT TITLE AGENCY, LLC

Establishing max. annual comp. for professional svcs. agree. for real estate title svcs., Tr. letter, 237, Pssd., 238

INFORMATION TECHNOLOGY ADVISORY SERVICES

See "Computers"

INGALLS PLANNING AND DESIGN

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 61, Pssd., 62; Tr. letter, 148, Pssd., 148

Establishing max. comp. for professional svcs. agree. for N. Winton Rd. and Portland Ave. and Norton St. Commercial Areas, Tr. letter, 128, Pssd., 129

INSPECTION SERVICES

Establishing max. comp. for amend. professional svcs. agree. for cathodic protection program for water system, Tr. letter, 313, Pssd., 313

Establishing max. comp. for professional svcs. agree. for Roch. Running Track Railroad Bridge Pedestrian Conversion Study, Tr. letter, 366, Pssd., 367

INSPECTION WARRANTS

L.L. amend. City Charter with respect to inspection warrants, Tr. letter, 3, Held, 9, Tr. letter discussing amend., 37, Pssd., 42

Amend. Mun. Code with respect to inspection warrants, Tr. letter, 3, Held, 9, Tr. letter discussing amend., 37, Pssd., 42

INSURANCE

Auth. application and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2008-09 Budget, Tr. letter, 31, Pssd., 32

Approp. funds and amend. 2009-10 Budget for South Ave. Garage insurance settlement, Tr. letter, 352, Pssd., 353

Establishing max. comp. for professional svcs. agree. for dental insurance admin. svcs., Tr. letter, 386, Pssd., 386

Establishing max. comp. for professional svcs. agree. for COBRA admin. svcs., Tr. letter, 386, Pssd., 387

INTER-MUNICIPAL AGREEMENTS

Auth. inter-municipal agree. for radio transmitting equipment, Tr. letter, 252, Pssd., 253

Auth. inter-municipal agree. for Highland Ave. improvements., Tr. letter, 253, Pssd., 254

Auth. ext. of agree. for Workforce Investment Board, Tr. letter, 330, Pssd., 331

Auth. agree. with County of Monroe for green fueling stations, Tr. letter, 368, Pssd., 368

Bond ord. auth. execution and delivery of agree. of cooperation with County of Monroe and issuance of \$75,000 bonds to finance cost of design of certain shared green alternative fueling stations, Tr. letter, 368, Pssd., 369

INTERNATIONAL SISTER CITIES OF ROCHESTER, NY, INC.

Reso. auth. establishment of Sister Cities relationship with Alytus, Lithuania, Tr. letter, 271, Adpt., 272

INTERNSHIP PROGRAM

Amend. 2009-10 Budget with respect to Bureau of Planning and Zoning Intern Program, Tr. letter, 276, Pssd., 276

IRONDEQUOIT, TOWN OF

Auth. application and agree. for Justice Assist. Local Formula Grant, Tr. letter, 131, Pssd., 132

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J. MARTIN SOLUTIONS, INC.

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 348, Pssd., 348

JEFFERSON AVENUE

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 61, Pssd., 62; Tr. letter, 148, Pssd., 148

Establishing max. comp. for professional svcs. agree. for deign of Jefferson Ave. Improvement Proj., Tr. letter, 253, Pssd., 253

Changing zoning class. of part of 640 Jefferson Ave. and 654-658, 663-687, 666, 672, 676 and 691-693 Jefferson Ave. from R-1 Low Density Residential to C-1 Neighborhood Ctr., Tr. letter, 283, Pub. hear., 268, Pssd., 284

JEFFERSON ROAD

Auth. agree. with respect to Jefferson Rd.

Reconstruction Proj., Tr. letter, 51, Pssd., 52

JOB CREATION/YOUTH DEVELOPMENT PROGRAM

Auth. amend. 2003-04, 2004-05, 2005-06 and 2006-07 Comm. Dev. Program Plans and amend. Ord. for Job Creation/Youth Dev. Program, Tr. letter, 348, Pub. hear., 328, Pssd., 350

JOHNSON, MILDRED, ESTATES

Auth. sale of real estate for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approving loan agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Amend. Ord. No. 2009-234 relating to El Camino Estates Proj. and amend. Ord. No. 2009-278, Tr. letter, 301, Pssd., 304

JORDAN, ANTHONY L., HEALTH CENTER

Auth. grant agree. and amend. 2008-09 Budget for Northeast Bridges to Wellness Proj., Tr. letter, 130, Pssd., 130

JUNIOR ACHIEVEMENT

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 95, Pssd., 96

JUNIOR RECREATION LEADER PROGRAM

Auth. agree. and amend. Ord. No. 2008-34 and 2008-73 for Jr. Rec. Leader and Biz Kid\$ Programs, Tr. letter, 94, Pssd., 95

JUSTICE ASSISTANCE GRANT PROGRAM

Auth. agree. for 2009 Justice Assistance Grant Program, Tr. letter, 322, Pssd., 323

JUSTICE ASSISTANCE LOCAL FORMULA GRANT

Auth. application and agree. for Justice Assist. Local Formula Grant, Tr. letter, 131, Pssd., 132

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KID'S FAIR

Amend. proposed 2009-10 Budget in regard to youth dev. - \$20,000, Tr. letter, 186, Pssd., 188

KIRSTEIN BUILDING

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

KLEIN, CARL C.

Reso. approving appt. to Board of Assessment Review, Tr. letter, 387, Adpt., 388

KNICKERBOCKER STREET

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

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LEED

See "Leadership in Energy and Environmental Design"

LA AVENIDA

Approving economic recovery proj., Tr. letter, 80, Pssd., 84

Bond ord. auth. issuance of \$700,000 bonds to finance cost of constr. of certain street related improvements for La Avenida Streetscape Improvements Proj., Tr. letter, 80, Pssd., 85

Establishing max. comp. for professional svcs. agree. for La Avenida Streetscape Proj., Tr. letter, 249, Pssd., 250

LABELLA ASSOCIATES

Auth. agree. for environmental svcs., Tr. letter, 23, Pssd., 24

Auth. ext. of professional svcs. agree. for Water Operations Ctr., Tr. letter, 48, Pssd., 49

Approving economic recovery proj., Tr. letter, 80, Pssd., 84

Establishing max. comp. for professional svcs. agree. for environmental remediation of former Phototech Imaging Site at 1000 Driving Park Ave., Tr. letter, 89, Pssd., 90

Establishing max. comp. for professional svcs. agree. for Cortland Street Truck Tunnel Portal Study, Tr. letter, 119, Pssd., 119

Establishing max. comp. for professional svcs. agree. for design of Culver Rd. Improvement Proj., Tr. letter, 123, Pssd., 125

Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. improvements, Tr. letter, 132, Pssd., 132

Establishing max. comp. for professional svcs. agree. for Bridge and Structural Maint. Proj., Tr. letter, 156, Pssd., 156

Establishing max. comp. for professional svcs. agree. for Hazardous Sidewalk Replacement Proj., Tr. letter, 250, Pssd., 251

LABOR RELATIONS CONSULTATION SERVICES

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 348, Pssd., 348

LAFAYETTE PARK

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

LAKE AVENUE

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 121, Pub. hear., 99, Pssd., 122

Auth. acq. of 64 Stutson St. and 4370-4380 Lake Ave., Tr. letter, 256, Pssd., 257

Auth. agree. with NYS DOT for snow removal, Tr. letter, 337, Pssd., 337

LAKEVIEW PARK

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

LANDLORD SERVICES PROGRAM

Auth. agree. for Landlord Svcs. Program, Tr. letter, 305, Pssd., 306

LANDSCAPING

Auth. grant applications and agree. for Water Quality Improvement Proj., Tr. letter, 339, Pssd., 340

LASER SHOW

Establishing max. comp. for professional svcs. agree. for new High Falls laser show, Tr. letter, 88, Pssd., 89

Establishing max. comp. for professional svcs. agree. for High Falls laser show, Tr. letter, 222, Pssd., 223

LAW ENFORCEMENT PSYCHOLOGICAL ASSOCIATES

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Roch. Police Dept., Tr. letter, 32, Held, 32, Pssd., 97; Tr. letter, 232, Pssd., 233

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Roch. Fire Dept., Tr. letter, 232, Pssd., 233

LAWN STREET

Auth. acq. by negotiation or condemnation of *de minimus* easements for Lawn St. Improvement Proj., Tr. letter, 254, Pssd., 255

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to Lawn St., Tr. letter, 254, Pub. hear., 234, Pssd., 256

Establishing max. comp. for professional svcs. agree. for Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 317

Bond ord. auth. issuance of \$473,000 bonds to finance cost of const. and reconstruction of certain streets as part of Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 318

Bond ord. auth. issuance of \$142,500 bonds to finance reconstruction of var. water mains related to Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 319

L.I.O. - Areaway repair at 50 Chestnut St. as part of Lawn St. Improvement Proj., Tr. letter, 316, Pub. hear., 295, Pssd., 320

LEAD PAINT

Amend. 2008-09 Budget for lead poisoning prevention, Tr. letter, 13, Pssd., 13

Designating funds and auth. agree. for Lead Clearance Test Reimbursement Program, Tr. letter, 46, Pssd., 46

Auth. agree. and approp. funds for Lead Hazard Control Grant Program, Tr. letter, 47, Pssd., 48

Auth. agree. and approp. funds for Lead Hazard Control Grant Program and repealing Ord. No. 2009-6, Tr. letter, 69, Pssd., 70

Auth. agree. and approp. funds for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 106, Pssd., 107

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 107, Pssd., 108

Auth. application and agree. for Lead Hazard Control Program, Tr. letter, 242, Pssd., 242

LEADER PROFESSIONAL SERVICES, INC.

Auth. agree. for environmental svcs., Tr. letter, 23, Pssd., 24

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN

Establishing max. comp. for a professional svcs. Agree. for Water Operations Ctr. LEED Proj., Tr. letter, 21, Pssd., 21

LEASE AGREEMENTS

Auth. new agree. for lease of space in South Ave. Parking Garage, Tr. letter, 386 (2008), Pssd., 27

Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

Auth. agree. for lease of space for Office of Employment Opportunities, Tr. letter, 67, Pssd., 67

Auth. lease of space in Port Terminal Bldg., Tr. letter, 103, Pssd., 104

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 199, Pssd., 199

Auth. lease agree. for space in Port Terminal Bldg., Tr. letter, 241, Pssd., 242

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 399, Pssd., 399

LECHASE CONSTRUCTION SERVICES, LLC

Auth. agree. for Roch. Rhinos Stadium Proj., approp. funds and amend. Ord. No. 2008-325, Tr. letter, 67, Pssd., 68

LEGAL AID SOCIETY OF ROCHESTER, NY, INC.

Auth. agree. for Tenant Svcs. Program, Tr. letter, 304, Pssd., 305

Auth. agree. for Landlord Svcs. Program, Tr. letter, 305, Pssd., 306

LEW CORPORATION

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 107, Pssd., 108

LEXINGTON AVENUE

Designating additional areas for urban renewal as part of Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pssd., 258

Changing zoning class. of parcels on Dewey Ave., Lexington Ave. and Driving Park Ave. from R-1 Low Density Residential, C-1 Neighborhood Ctr., C-2 Community Ctr. and Driving Park Urban Renewal District to Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pub. hear., 234, Pssd., 261

LIBRARY

Acceptance of Library grants and amend. 2008-09 Budget, Tr. letter, 141, Pssd., 141

Acceptance of Library computer grant and amend. 2009-10 Budget, Tr. letter, 269, Pssd., 269

Reso. approving appt. to Roch. Public Library Board of Trustees, Tr. letter, 332, Adpt., 332

Auth. grant applications and agree. for Local

Waterfront Revitalization Proj., Tr. letter, 338, Pssd., 339

LICENSE AGREEMENT

Auth. license agree. for use of Genesee Valley Park premises, Tr. letter, 92, Pssd., 92

LIFE SCIENCE LABORATORIES

Establishing max. comp. for professional svcs. agree. for water testing svcs., Tr. letter, 22, Pssd., 23

LIFESPAN OF GREATER ROCHESTER, INC.

Auth. agree. for Aging In Place Home Modification Program, Tr. letter, 110, Pssd., 111

LIGHTFOOT, JOHN F., COUNCILMEMBER

Negative vote, Ord. No. 2009-93, Pssd., 100; Ord. No. 2009-298, Pssd., 299

Motion to amend Int. No. 182, Adpt., 160

Motion to discharge Int. No. 168 from Committee, Adpt., 164

Motion to amend Int. No. 168, Adpt., 164

Motion to return Int. No. 219 to Committee, Adpt., 221

LIGHTING

Establishing max. comp. for amend. professional svcs. agree. for sound and lighting svcs., Tr. letter, 185, Pssd., 185

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

LINDEN AND MEIGS PLAYGROUND

Amend. Official Map by renaming Linden and Meigs Playground at 890 Meigs St. as Ellwanger and Barry Park, Tr. letter, 307, Pub. hear., 295, Pssd., 308

LIVINGSTON COUNTY

Auth. inter-municipal agree. for radio transmitting equipment, Tr. letter, 252, Pssd., 253

LOANS

Auth. amend. 2004-05, 2006-07 and 2007-08 Comm. Dev. Program Plans, amend. Ord. No. 2008-259 and auth. loan agree. for Erie Harbor Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 17

Auth. tax delinquency and Section 108 Loan agree. for High Falls Brewing Co. properties, Tr. letter, 33, Pssd., 34

Auth. loan agree. for Monica Place Rental Housing Proj., Tr. letter, 45, Pssd., 46

Auth. loan agree. for Northwest Apt. Proj., Tr. letter, 108, Pssd., 109

Approving business programs and auth. amend. 2009-10 Comm. Dev. Program Plan, Tr. letter, 223, Pssd., 224

Auth. amend. 1996-97, 2000-01, 2005-06 and 2006-07 Comm. Dev. Program Plans and auth. agree. for ED Financial Assistance Loan & Grant Programs, Tr. letter, 223, Pub. hear., 176, Pssd., 225

Auth. loan agree. for south Ave. Commons Proj., Tr. letter, 240, Pssd., 241

Auth. amend. 2003-04 and 2004-05 Comm. Dev. Program Plans and auth. loan agree. for El

Camino Estates Proj., Tr. letter, 245, Pub. hear., 234, Pssd., 248

Approving loan agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Auth. loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 306, Pssd., 307

Approving loan agree. for F.I.G.H.T. Village Apartments Renovation Proj., Tr. letter, 334, Pssd., 335

Auth. amend. 2009-10 Comm. Dev. Program Plan and approp. funds for demolition and ED Financial Assistance Loan and Grant Program, Tr. letter, 335, Pub. hear., 328, Pssd., 336

L.L. amend. Charter of City of Roch. with respect to assistance for affordable housing, Tr. letter, 362, Pssd., 362

LOBBYING SERVICES

Establishing max. comp. for professional svcs. agree. for state lobbying svcs., Tr. letter, 35, Pssd., 36; Tr. letter, 297, Pssd., 297

Establishing max. comp. for amend. professional svcs. agree. for federal lobbying svcs., Tr. letter, 235, Pssd., 236

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1596 - L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

1594 - L.I.O. - Snow removal at Public Mkt., Tr. letter, 59, Pssd., 60

1595 - L.I.O. - Security at Public Mkt., Tr. letter, 59, Pssd., 61

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Auth. grant agree. and amend. 2008-09 Budget for High Falls Centers, Tr. letter, 62, Pssd., 62

Auth. acq. of former Hojack Railroad right-of-way, Tr. letter, 118, Pssd., 118

Auth. agree. and amend. 2009-10 Budget with respect to City Hall grant, Tr. letter, 286, Pssd., 287

Auth. grant application and agree. for Port of Roch. Public Marina Proj., Tr. letter, 288, Pssd., 289

Auth. applications and agree. for grants for High Falls and Mt. Hope Cemetery, Tr. letter, 310, Pssd., 311

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Establishing max. comp. for amend. professional svcs. agree. for web dev. svcs., Tr. letter, 331, Pssd., 332

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Auth. agree. for dev. of Brown Sq. Park festival site, Tr. letter, 13, Pssd., 14

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Establishing max. comp. for professional svcs. agree. for N. Winton Rd. and Portland Ave. and Norton St. Commercial Areas and amend. Ord. No. 2008-192, Tr. letter, 128, Pssd., 129

NORTH WINTON VILLAGE ARTS FESTIVAL

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Auth. loan agree. for Northwest Apt. Proj., Tr. letter, 108, Pssd., 109

Auth. sale of real estate for Northwest Apt. Proj., Tr. letter, 108, Pssd., 110

Approving property tax exemption and auth. in-lieu of tax agree. for Northwest Apt. Proj., Tr. letter, 108, Pssd., 110

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L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

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Establishing max. comp. for amend. professional svcs. agree. for fitness and nutrition classes, Tr. letter, 29, Pssd., 30

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Auth. agree. and approp. funds for Energy Efficiency and Conservation Block Grant Program, Tr. letter, 320, Pssd., 321

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Establishing max. comp. for professional svcs. agree. for office relocation management, Tr. letter, 147, Pssd., 147

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Amend. Official Map by dedicating parcels to street purposes and adding said parcels to Lawn St., Tr. letter, 254, Pub. hear., 234, Pssd., 256

Amend. Official Map by abandonment of portion of School Alley from Broad St. to its south end, Tr. letter, 284, Pub. hear., 268. Held, 285, Pssd., 336

Amend. Official Map by renaming Linden and Meigs Playground at 890 Meigs St. as Ellwanger and Barry Park, Tr. letter, 307, Pub. hear., 295, Pssd., 308

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to Carter Street, Tr. letter, 308, Pub. hear., 295, Pssd., 309

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Amend. Ord. No. 2004-316, relating to tax exemption for Olean & Kennedy Revitalization

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Auth. agree. for Roch. Rhinos Stadium Proj., approp. funds and amend. Ord. No. 2008-325, Tr. letter, 67, Pssd., 68

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2007-31, Tr. letter, 70, Pssd., 71

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Amend. Ord. No. 2008-310, relating to sale of real estate in Roch. Science Park, Tr. letter, 127, Pssd., 127

Establishing max. comp. for professional svcs. agree. for N. Winton Rd. and Portland Ave. and Norton St. Commercial Areas and amend. Ord. No. 2008-192, Tr. letter, 128, Pssd., 129

Amend. Ord. No. 2009-15, relating to Marina Market and Feasibility Study, Tr. letter, 154, Pssd., 155

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Amend. Ord. No. 2009-234 relating to El Camino Estates Proj. and amend. Ord. No. 2009-278, Tr. letter, 301, Pssd., 304

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Auth. amend. agree. relating to Roch. After School Academy 4 Program, amend. Ord. No. 2009-217 and 2009-10 Budget, Tr. letter, 346, Pssd., 347

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Auth. amend. 2008-09 Comm. Dev. Program Plan, auth. agree. and approp. funds for American Recovery and Reinvestment Act of 2009 and repealing Ord. No. 2009-110, Tr. letter, 173, Pssd., 174

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Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

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Establishing max. comp. for professional svcs. agree. for Trinidad St., Hebard St. and Trinidad St. Parking Lot Improvement Proj., Tr. letter, 55, Pssd., 56

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and E. Henrietta Rd. improvements and amend. Ord. No. 2005-83, Tr. letter, 77, Pssd., 79

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Establishing max. comp. for amend. professional svcs. agree. for South Ave. Garage Improvement Proj., Tr. letter, 85, Pssd., 86

Auth. agree. for parking in High Falls Garage, Tr. letter, 128, Pssd., 128

L.I.O. - Establishing operating and maint. costs of neighborhood commercial or residential parking lots, Tr. letter, 165, Pub. hear., 136, Pssd., 166

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Auth. amend. agree. for operation of Court St. and High Falls Parking Garages, Tr. letter, 271, Pssd., 271

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Establishing max. comp. for professional svcs. agree. for design of Turning Point Park Trailhead Parking Lot Expansion Proj., Tr. letter, 315, Pssd., 316

Amend. Mun. Code with respect to parking rates at Mortimer St. Garage, Tr. letter, 331, Pssd., 331

Auth. grant applications and agree. for Water Quality Improvement Proj., Tr. letter, 339, Pssd., 340

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Establishing max. comp. for professional svcs. agree. for Parking Garage Evaluation and Maint. Program, Tr. letter, 366, Pssd., 366

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Auth. license agree. for use of Genesee Valley Park premises, Tr. letter, 92, Pssd., 92

Auth. ext. of agree. with University of Roch. for use of Genesee Valley ice rink, Tr. letter, 92, Pssd., 93

Auth. acq. of former Hojack Railroad right-of-way, Tr. letter, 118, Pssd., 118

Auth. agree. for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvements Proj., Tr. letter, 118, Pssd., 119

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 251, Pssd., 251

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Establishing max. comp. for professional svcs. agree. for design of Turning Point Park Trailhead Parking Lot Expansion Proj., Tr. letter, 315, Pssd., 316

Auth. grant applications and agree. for Local Waterfront Revitalization Proj., Tr. letter, 338, Pssd., 339

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Establishing max. comp. for professional svcs. agree. for Erie Harbor Park design, Tr. letter, 402, Pssd., 402

Establishing max. comp. for professional svcs. agree. for Genesee Valley Park Ice Rink Compressor Replacement Proj., Tr. letter, 404, Pssd., 404

Bond ord. auth. issuance of \$725,000 bonds to finance cost of design and const. of Genesee Valley Park Ice Rink Compressor Replacement Proj., Tr. letter, 404, Pssd., 405

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Establishing max. comp. for professional svcs. for "Party In The Park" concerts, Tr. letter, 63, Pssd., 64; Tr. letter, 355, Pssd., 356

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Auth. agree. for environmental svcs., Tr. letter, 23, Pssd., 24

Establishing max. comp. for professional svcs. agree. for Trinidad St., Hebard St. and Trinidad St. Parking Lot Improvement Proj., Tr. letter, 55, Pssd., 56

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Auth. sale of real estate for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

Approving loan agree. for Mildred Johnson Estates II Affordable Housing Proj., Tr. letter, 278, Pssd., 280

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Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace and amend. 2009-10 Budget, Tr. letter, 403, Pssd., 404

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Establishing max. comp. for professional svcs. agree. for water hydraulic model, Tr. letter, 315, Pssd., 315

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Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza, Tr. letter, 62, Pssd., 63; Tr. letter, 328, Pssd., 329

Establishing max. comp. for professional svcs. agree. for N. Winton Rd. and Portland Ave. and Norton St. Commercial Areas and amend. Ord. No. 2008-192, Tr. letter, 128, Pssd., 129

Auth. agree. and approp. funds for Energy Efficiency and Conservation Block Grant Program, Tr. letter, 320, Pssd., 321

Establishing max. comp. for professional svcs. agree. for Center City Circulator Study, Tr. letter, 322, Pssd., 322

Establishing max. comp. for professional svcs. agree. for Parking Garage Evaluation and Maint. Program, Tr. letter, 366, Pssd., 366

Establishing max. comp. for professional svcs. agree. for Roch. Running Track Railroad Bridge Pedestrian Conversion Study, Tr. letter, 366, Pssd., 367

Auth. agree. with County of Monroe for green fueling stations, Tr. letter, 368, Pssd., 368

Establishing max. comp. for professional svcs. agree. for Erie Harbor Park design, Tr. letter, 402, Pssd., 402

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Establishing max. comp. for professional svcs. agree. for notification svcs., Tr. letter, 97, Pssd., 97

Auth. application and agree. for graffiti sensors and amend. 2008-09 Budget, Tr. letter, 134, Pssd., 135

Establishing max. comp. for amend. professional svcs. agree. for Police MDT Fleet Standardization, Tr. letter, 225, Pssd., 226

Auth. agree. for Disproportionate Minority Contact Discretionary Program grant and amend. 2008-09 Budget, Tr. letter, 226, Pssd., 226

Auth. grant agree. and amend. 2008-09 Budget for radar speed signs, Tr. letter, 226, Pssd., 227

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 264, Pssd., 264

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Auth. agree. for Traffic Safety Grant and amend. 2009-10 Budget, Tr. letter, 344, Pssd., 344

Auth. agree. for Bomb Squad Initiative Grant and Amend. 2009-10, Tr. letter, 379, Pssd., 380

Auth. agree. for Domestic Abuse Response Team grant and amend. 2009-10 Budget, Tr. letter, 380, Pssd., 380

Establishing max. comp. for professional svcs. agree. for Youth Violence Dispute and Gang Mapping System, Tr. letter, 380, Pssd., 381

Auth. agree. for special events svcs. for School District and amend. 2009-10 Budget, Tr. letter, 381, Pssd., 381

Establishing max. comp. for professional svcs. agree. for telephone notification system svcs., Tr. letter, 382, Pssd., 383

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Establishing max. comp. for amend. professional svcs. agree. for Roch. Rhinos Stadium Proj., Tr. letter, 298, Pssd., 298

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Establishing max. comp. for amend. professional svcs. agree. for Marina Market and Feasibility Study and amend. 2008-09 Budget, Tr. letter, 21, Pssd., 22

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Auth. grant applications and agree. for Local Waterfront Revitalization Proj., Tr. letter, 338, Pssd., 339

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Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Roch. Fire Dept., Tr. letter, 232, Pssd., 233

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Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 229, Pssd., 229

Auth. amend. agree. relating to Roch. After School Academy 4 Program, amend. Ord. No. 2009-217 and 2009-10 Budget, Tr. letter, 346, Pssd., 347

QP, LLC

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

QUAD A FOR KIDS

Auth. agree. with Quad A for Kids and amend. 2009-10 Budget, Tr. letter, 326, Pssd., 327

-R-**RFS CONSULTING**

Establishing max. comp. for professional svcs. agree. for consulting svcs., Tr. letter, 164, Pssd., 164

R.K. HITE & CO.

Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza, Tr. letter, 62, Pssd., 63; Tr. letter, 328, Pssd., 329

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Establishing max. comp. for 2010 Roch. Flower City Challenge, Tr. letter, 356, Pssd., 356

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Auth. grant agree. and amend. 2008-09 Budget for radar speed signs, Tr. letter, 226, Pssd., 227

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Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

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Approving sale of former railroad right-of-way east of 476 State St., Tr. letter, 27, Held, 27, Pssd., 91

Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

ter, 43, Pssd., 44

Auth. sale of 103-111 Addison St., Tr. letter, 106, Pssd., 106

Auth. sale of real estate for Northwest Apt. Proj., Tr. letter, 108, Pssd., 110

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Approving sale by Roch. Urban Renewal Agency of 12-12.5 Cady St. and 49-49.5 and 51 Dr. Samuel McCree Way in Third Ward Urban Renewal Proj., Tr. letter, 149, Pub. hear., 135, Pssd., 150

Amend. Official Map by abandonment of portions of Crittenden Blvd. and auth. their sale, Tr. letter, 162, Pub. hear., 136, Pssd., 163

Auth. sale of real estate for El Camino Estates Proj., Tr. letter, 245, Pssd., 247

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Amend. Ord. No. 2007-340, relating to sale of real estate, Tr. letter, 301, Pssd., 303

Auth. sale of real estate and amend. Ord. No. 2007-90, Tr. letter, 333, Pssd., 334

Auth. sale of real estate and release of reversionary rights to FIGHT Village Housing Proj., Tr. letter, 357, Pssd., 358

Auth. sale of real estate to Roch. Colonial Mfg., Tr. letter, 363, Pssd., 365

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Establishing max. annual comp. for professional svcs. agree. for real estate title svcs., Tr. letter, 237, Pssd., 238

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Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. improvements, Tr. letter, 132, Pssd., 132

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REDFLEX TRAFFIC SYSTEMS, INC.

Auth. agree. for Red Light Camera Program, Tr. letter, 411, Pssd., 413

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Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 347, Pssd., 347

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REFUGEE SUSTAINABILITY GARDEN

Amend. proposed 2009-10 Budget in regard to citizen support - \$10,500, Tr. letter, 186, Pssd., 188

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Adpt. Of budget est. for mun. purposes for 2009-10 fiscal year, approp. of sums set forth therein and approving commercial refuse fees, Tr. letter, 190, Pub. hear., 175, Pssd., 192

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Establishing max. comp. for amend. professional svcs. agree. for Midtown Plaza, Tr. letter, 62, Pssd., 63; Tr. letter, 328, Pssd., 329

Establishing max. comp. for professional svcs. agree. for office relocation management, Tr. letter, 147, Pssd., 147

Establishing max. comp. for amend. professional svcs. agree. for office relocation management, Tr. letter, 356, Pssd., 357

RENAISSANCE SQUARE

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Auth. sale of old Mortimer St. Garage parcel, Tr. letter, 266, Pssd., 267

Approving modifications to Mortimer St. Garage, Tr. letter, 266, Pssd., 268

RESIDENT PROJECT REPRESENTATION

Establishing max. comp. for professional svcs. agree. for Trinidad St., Hebard St. and Trinidad St. Parking Lot Improvement Proj., Tr. letter, 55, Pssd., 56

Establishing max. comp. for professional svcs. agree. and approp. funds for Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 59

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Garage Improvement Proj., Tr. letter, 85, Pssd., 86

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and S. Clinton Ave. Enhancement Proj., Tr. letter, 125, Pssd., 125

Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. improvements, Tr. letter, 132, Pssd., 132

Establishing max. comp. for professional svcs. agree. for Bridge and Structural Maint. Proj., Tr. letter, 156, Pssd., 156

Establishing max. comp. for professional svcs. agree. for Roch. Riverside Convention Ctr. Roof Replacement Proj., Tr. letter, 159, Pssd., 160

Establishing max. comp. for professional svcs. agree. for La Avenida Streetscape Proj., Tr. letter, 249, Pssd., 250

Establishing max. comp. for professional svcs. agree. for Hazardous Sidewalk Replacement Proj., Tr. letter, 250, Pssd., 251

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 251, Pssd., 251

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agree. for resident proj. representation svcs., Tr. letter, 251, Pssd., 252

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Establishing max. comp. for professional svcs. agree. for 2009 Milling and Resurfacing Program, Tr. letter, 286, Pssd., 286

Establishing max. comp. for professional svcs. agree. for E. Henrietta Rd. Improvement Proj., Tr. letter, 311, Pssd., 312

Establishing max. comp. for professional svcs. agree. for Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 317

Establishing max. comp. for professional svcs. agree. for Parking Garage Evaluation and Maint. Program, Tr. letter, 366, Pssd., 366

Auth. agree. for Broad St. Tunnel Proj. and approp. funds, Tr. letter, 405, Pssd., 407

Establishing max. comp. for amend. professional svcs. agree. for Roch. Riverside Convention Ctr. Roof Replacement Proj., Tr. letter, 410, Pssd., 411

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2009-1 - Reso. amend. Rules of Council, Tr. letter, 1, Adpt., 2

2009-2 - Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 2, Adpt., 3

2009-3 - Reso. approving appt. to Cultural Ctr. Comm., Tr. letter, 36, Adpt., 36

2009-4 - Reso. approving appt. to Electrical Examining Board, Tr. letter, 46, Adpt., 47

2009-5 - Reso. approving reappointments to Electrical Examining Board, Tr. letter, 71, Adpt., 71

2009-6 - Reso. approving appt. and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 88, Adpt., 88

2009-7 - Reso. for purpose of Home Rule Message regarding State legislation relative to owner liability for failure of operator to comply with traffic control indications, Tr. letter, 97, Adpt., 98

2009-8 - Reso. approving appt. to Greater Roch. Sports Auth., Tr. letter, 184, Adpt., 184

2009-9 - Reso. of budgetary intent - health benefits, Tr. letter, 189, Adpt., 189

2009-10 - Reso. approving 2009-10 debt limit for general mun. purposes, Tr. letter, 193, Adpt., 195

2009-11 - Reso. approving appt. to City Planning Commission, Tr. letter, 247, Adpt., 247

2009-12 - Reso. consenting to acq. of parcels for Renaissance Sq. Proj. by Rochester-Genesee Regional Transportation Auth., Tr. letter, 266, Adpt., 267

2009-13 - Reso. auth. establishment of Sister Cities relationship with Alytus, Lithuania, Tr. letter, 271, Adpt., 272

2009-14 - Reso. in support of environment and climate protection actions, Tr. letter, 289,

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2009-15 - Reso. approving appt. to Roch. Public Library Board of Trustees, Tr. letter, 332, Adpt., 332

2009-16 - Reso. endorsing grant application for funding from Upstate Regional Blueprint Funds, Tr. letter, 342, Adpt., 342

2009-17 - Reso. approving amend. to 2009-10 debt limit for general mun. purposes, Tr. letter, 352, Adpt., 353

2009-18 - Reso. approving appt. to Board of Assessment Review, Tr. letter, 387, Adpt., 388

2009-19 - Reso. appt. temporary members to Board of Assessment Review, Tr. letter, 388, Adpt., 388

RESTORE NY COMMUNITIES INITIATIVE PROGRAM

Auth. application and agree. for grant under Restore NY Communities Initiative Program, Tr. letter, 112, Pub. hear., 99, Pssd., 114

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

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Auth. sale of real estate and release of reversionary rights to FIGHT Village Housing Proj., Tr. letter, 357, Pssd., 358

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Approving sale of former railroad right-of-way east of 476 State St., Tr. letter, 27, Held, 27, Pssd., 91

Auth. acq. of former Hojack Railroad right-of-way, Tr. letter, 118, Pssd., 118

Approving granting of permanent easement over former railroad right-of-way adjacent to 44 Scrantom St., Tr. letter, 275, Pssd., 275

RISK REDUCTION SERVICES

Establishing max. comp. for professional svcs. agree. for risk reduction svcs., Tr. letter, 332, Pssd., 333

RIVER PARK COMMONS

Auth. amend. 2004-05, 2006-07 and 2007-08 Comm. Dev. Program Plans, amend. Ord. No. 2008-259 and auth. loan agree. for Erie Harbor Proj., Tr. letter, 15, Pub. hear., 1, Pssd., 17

RIVER STREET MARINE

Auth. amend. agree. for operation of public waterfront facilities, Tr. letter, 220, Pssd., 21

RIVERSIDE CEMETERY

Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 51, Pssd., 51

Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace and amend. 2009-10 Budget, Tr. letter, 403, Pssd., 404

RIVERSIDE FESTIVAL SITE

Establishing max. comp. for professional svcs. agree. for Riverside Festival Site management, Tr. letter, 184, Pssd., 185

RIVERVIEW LOFTS LLC

Auth. agree. and amend. 2009-10 Budget for Restore NY Communities Initiative Program, Tr. letter, 359, Pssd., 359

ROCHESTER AFTER SCHOOL ACADEMY

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 229, Pssd., 229

Auth. amend. agree. relating to Roch. After School Academy 4 Program, amend. Ord. No. 2009-217 and 2009-10 Budget, Tr. letter, 346, Pssd., 347

ROCHESTER AREA COMMUNITY FOUNDATION

Auth. agree. and amend. 2008-09 Budget for after school program and amend. Ord. No. 2008-433 and 2008-09 Budget, Tr. letter, 28, Pssd., 28

Auth. agree. for Youth Voice, One Vision and amend. 2009-10 Budget, Tr. letter, 262, Pssd., 263

Auth. amend. agree. for Pre-K transportation and amend. 2009-10 Budget, Tr. letter, 326, Pssd., 326

ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

ROCHESTER BUSINESS ALLIANCE

Establishing max. comp. for amend. professional svcs. agree. for management training, Tr. letter, 99, Pssd., 100

ROCHESTER CHILDREN'S RENAISSANCE, INC.

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

ROCHESTER COLONIAL MANUFACTURING

Auth. sale of real estate to Roch. Colonial Mfg., Tr. letter, 363, Pssd., 365

ROCHESTER COMMUNITY TV, INC.

Auth. agree. for Youth Svcs. Programs, Tr. letter, 414, Pssd., 415

ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Auth. agree. for REDCO svcs., Tr. letter, 165, Held, 165, Pssd., 411

ROCHESTER FLOWER CITY CHALLENGE

Establishing max. comp. for 2010 Roch. Flower City Challenge, Tr. letter, 356, Pssd., 356

ROCHESTER GAS AND ELECTRIC CORPORATION

Auth. acq. of add. to street lighting system and amend. 2008-09 Budget, Tr. letter, 101, Pssd., 101

Auth. agree. for payment of outstanding street lighting costs, Tr. letter, 102, Pssd., 103

ROCHESTER GENERAL HOSPITAL

Auth. acceptance of permanent easement at

Roch. General Hospital for street purposes, Tr. letter, 308, Pssd., 309

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Reso. consenting to acq. of parcels for Renaissance Sq. Proj. by Rochester-Genesee Regional Transportation Auth., Tr. letter, 266, Adpt., 267

Auth. sale of old Mortimer St. Garage parcel, Tr. letter, 266, Pssd., 267

Approving modifications to Mortimer St. Garage, Tr. letter, 266, Pssd., 268

ROCHESTER HIGH FALLS INTERNATIONAL FILM FESTIVAL

Establishing max. comp. for professional svcs. agree. for film festival celebrating work of women, Tr. letter, 89, Pssd., 89

ROCHESTER HOUSING DEVELOPMENT FUND CORP.

Approving Consolidated Plan Housing Programs and amend. Ord. No. 2009-196, 2007-184 and 2006-92, Tr. letter, 243, Pssd., 245

Auth. agree. for Asset Control Area Program, Tr. letter, 358, Pssd., 359

Auth. agree. and approp. funds for Neighborhood Stabilization Program, Tr. letter, 395, Pssd., 396

ROCHESTER ICE HOCKEY OFFICIALS, INC.

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 347, Pssd., 347

ROCHESTER INDIE FEST

Establishing max. comp. for agree. for Roch. Indie Fest, Tr. letter, 238, Pssd., 239

ROCHESTER INSTITUTE OF TECHNOLOGY

Auth. agree. with respect to Proj. IMPACT IV and amend. 2009-10 Budget, Tr. letter, 323, Pssd., 324

Establishing max. comp. for professional svcs. agree. for Youth Violence Dispute and Gang Mapping System, Tr. letter, 380, Pssd., 381

ROCHESTER INTERNATIONAL JAZZ FESTIVAL

Establishing max. comp. for agree. for 2010 Xerox Roch. Intl. Jazz Festival, Tr. letter, 354, Pssd., 354

ROCHESTER LANDSCAPE TECHNICIANS PROGRAMS, INC.

Establishing max. comp. for agree. for Lot Maint. Jobs Training Program, Tr. letter, 120, Pssd., 121

Establishing max. comp. for agree. for Transitional Jobs Training Program, Tr. letter, 120, Pssd., 121

ROCHESTER LESBIAN AND GAY FILM FESTIVAL, INC.

Establishing max. comp. for agree. for film festival, Tr. letter, 296, Pssd., 296

ROCHESTER MIDLAND CORPORATION

Auth. sale of real estate and amend. Ord. No. 2007-90, Tr. letter, 333, Pssd., 334

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approving applications, agree. and 2009 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 293, Pssd., 294

ROCHESTER MUSICFEST

Establishing max. comp. for agree. for 2010 Roch. MusicFest, Tr. letter, 354, Pssd., 355

ROCHESTER PHILHARMONIC ORCHESTRA

Amend. 2008-09 Budget for Office of Special Events and amend. Ord. N. 2008-394, Tr. letter, 65, Pssd., 66

Establishing max. comp. for amend. agree. with Roch. Philharmonic Orchestra, Tr. letter, 139, Pssd., 140

Establishing max. comp. for agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 295, Pssd., 296

ROCHESTER PURE WATERS DISTRICT

Auth. sale and return of real estate, and amend. Ord. No. 2009-19 and 2008-414, Tr. letter, 43, Pssd., 44

ROCHESTER RE-ENTRY PROGRAM

Auth. agree. and amend. 2009-10 Budget for Roch. Re-Entry Program, Tr. letter, 344, Pssd., 345

ROCHESTER RHINOS

Auth. agree. for Roch. Rhinos Stadium Proj., approp. funds and amend. Ord. No. 2008-325, Tr. letter, 67, Pssd., 68

Establishing max. comp. for amend. professional svcs. agree. for Roch. Rhinos Stadium Proj., Tr. letter, 298, Pssd., 298

ROCHESTER RIVERSIDE CONVENTION CENTER

Bond ord. auth. issuance of \$1,600,000 bonds to finance cost of constr. of repairs to Roch. Riverside Convention Ctr., Tr. letter, 74, Pssd., 75

Auth. ext. of agree. for management of Port Terminal Bldg., Tr. letter, 75, Pssd., 76

Establishing max. comp. for professional svcs. agree. for Roch. Riverside Convention Ctr. Roof Replacement Proj., Tr. letter, 159, Pssd., 160

Establishing max. comp. for amend. professional svcs. agree. for Roch. Riverside Convention Ctr. Roof Replacement Proj., Tr. letter, 410, Pssd., 411

ROCHESTER RUNNING TRACK RAILROAD BRIDGE PEDESTRIAN CONVERSION STUDY

Establishing max. comp. for professional svcs. agree. for Roch. Running Track Railroad Bridge Pedestrian Conversion Study, Tr. letter, 366, Pssd., 367

ROCHESTER SCIENCE PARK

Amend. Ord. No. 2008-310, relating to sale of real estate in Roch. Science Park, Tr. letter, 127, Pssd., 127

ROCHESTER TEEN COURT

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 95, Pssd., 95

ROCHESTER URBAN RENEWAL AGENCY

Approving sale by Roch. Urban Renewal Agency of 12-12.5 Cady St. and 49-49.5 and 51 Dr. Samuel McCree Way in Third Ward Urban Renewal Proj., Tr. letter, 149, Pub. hear., 135, Pssd., 150

Auth. acq. of real estate from Roch. Urban Renewal Agency, Tr. letter, 304, Pssd., 304

ROCHESTER WALKS PROGRAM

Auth. agree. for Roch. Walks Program, Tr. letter, 417, Pssd., 417

ROCHESTERWORKS

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

ROCHWIL ASSOCIATES

Auth. agree. for lease of space for Office of Employment Opportunities, Tr. letter, 67, Pssd., 67

RUNDEL PARK

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

RUNDEL LIBRARY

Auth. grant applications and agree. for Local Waterfront Revitalization Proj., Tr. letter, 338, Pssd., 339

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STAR PROGRAM

See "Sisters Together Achieving Results Program"

SJB SERVICES, INC.

Auth. agree. for materials testing svcs., Tr. letter, 119, Pssd., 120

SMG

Establishing max. comp. for professional svcs. agree. for Riverside Festival Site management, Tr. letter, 184, Pssd., 185

SWBR ARCHITECTS

Establishing max. comp. for professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 51, Pssd., 51

SAFETY STUDY

Establishing max. comp. for professional svcs. agree. for safety study of outdoor firing range, Tr. letter, 293, Pssd., 293

ST. JOSEPH'S VILLA

Auth. agree. for Disproportionate Minority

Contact Discretionary Program grant and amend. 2008-09 Budget, Tr. letter, 226, Pssd., 226

ST. MARTIN'S PLACE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

ST. PAUL STREET

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 121, Pub. hear., 99, Pssd., 122

SALARIES

See "Wages and Benefits"

SALVAGE SERVICES

Establishing max. comp. for agree. with Protectives, Inc. for property protection and salvage svcs., Tr. letter, 170, Pssd., 171

SALVATION ARMY

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

SAM ASHER COMPUTING SERVICES, INC.

Establishing max. comp. for professional svcs. agree. for notification svcs., Tr. letter, 97, Pssd., 97

Establishing max. comp. for professional svcs. agree. for telephone notification system svcs., Tr. letter, 382, Pssd., 383

SANTIAGO, GLADYS, COUNCIL PRESIDENT

Reso. amend. Rules of Council, Tr. letter, 1, Adpt., 2

Appt. of marriage officer, Tr. letter, 101, Pssd., 101

Reso. of budgetary intent - health benefits, Tr. letter, 189, Adpt., 189

Reso. approving appt. to Board of Assessment Review, Tr. letter, 387, Adpt., 388

Reso. appt. temporary members to Board of Assessment Review, Tr. letter, 388, Adpt., 388

Amend. Budget for transition expenses, Tr. letter, 388, Pssd., 389

L.L. amend. City Charter with respect to salary of Mayor, Tr. letter, 393, Pssd., 394

L.L. amend. City Charter with respect to salary of members of City Council, Tr. letter, 393, Pssd., 394

SCHAUT, DENNIS

Reso. approving reappointments to Electrical Examining Board, Tr. letter, 71, Adpt., 71

SCHOOL ALLEY

Amend. Official Map by abandonment of portion of School Alley from Broad St. to its south end, Tr. letter, 284, Pub. hear., 268, Held, 285, Pssd., 336

SCHOOL RESOURCE OFFICERS

Auth. agree. relating to reimbursement for school resource officers, Tr. letter, 29, Pssd., 29

SCIENCE PARKWAY

Amend. Ord. No. 2008-310, relating to sale

of real estate in Roch. Science Park, Tr. letter, 127, Pssd., 127

SCRANTOM STREET

Approving granting of permanent easement over former railroad right-of-way adjacent to 44 Scrantom St., Tr. letter, 275, Pssd., 275

SECTOR 3

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

Auth. amend. agree. for Sector 3 Community Garden Beautification Proj. as part of Sector Targeted Initiative Program, Tr. letter, 200, Pssd., 200

SECTOR 9

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

SECTOR 10

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

SECTOR TARGETED INITIATIVE PROGRAM

Auth. amend. agree. for Sector 3 Community Garden Beautification Proj. as part of Sector Targeted Initiative Program, Tr. letter, 200, Pssd., 200

SECURITY

Approp. funds and auth. agree. for Focused Investment Strategy Exterior and Security Rehabilitation Program, Tr. letter, 116, Held, 117, Pssd. as amend., 150

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. security systems, Tr. letter, 171, Pssd., 171

Auth. appl. and agree. for Urban Area Security Initiative Grant, Tr. letter, 413, Pssd., 414

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Auth. application and agree. for Selective Traffic Enforcement Program and amend. 2008-09 Budget, Tr. letter, 30, Pssd., 31

SENECA PARKWAY

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

SERVICE LEARNING PROJECT COORDINATION

Auth. agree. for Youth Voice, One Vision and amend. 2009-10 Budget, Tr. letter, 262, Pssd., 263

SETH GREEN PARK

Extending rights relating to Plymouth Gardens, Seth Green Park and Cobbs Hill Village Housing Proj., Tr. letter, 11, Pssd., 12

SEWERS

Bond ord. auth. issuance of \$678,000 bonds

to finance cost of constr. and reconstruction of certain sewer improvements related to 2009 Street Improvement Program, Tr. letter, 52, Pssd., 55

SHAMROCK TRAINING AND CONSULTING

Establishing max. comp. for amend. professional svcs. agree. for mun. parking svcs., Tr. letter, 26, Pssd., 26; Tr. letter, 235, Pssd., 235

Extending term of professional svcs. agree. for mun. parking svcs., Tr. letter, 352, Pssd., 352

SHANNON, DELIA AND ROBERT

Approving granting of permanent easement over former railroad right-of-way adj. to 65 Versailles Rd., Tr. letter, 44, Pssd., 45

SHARED SERVICES

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and E. Henrietta Rd. improvements and amend. Ord. No. 2005-83, Tr. letter, 77, Pssd., 79

SIBLEY PLACE

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Auth. application and agree. for Justice Assist. Local Formula Grant, Tr. letter, 131, Pssd., 132

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Auth. agree. and amend. 2009-10 Budget with respect to COPS Grants, Tr. letter, 325, Pssd., 326

UNITED STATES FEDERAL BUREAU OF INVESTIGATIONS

Auth. agree. with FBI for fueling of vehicles, Tr. letter, 369, Pssd., 370

UNIVERSITY AVENUE

Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvement and ARTWalk2 Enhancement Projects and approp. funds, Tr. letter, 156, Pssd., 158

Amend. Ord. No. 2009-156 and auth. agree. for University Ave. Improvement and ARTWalk2 Enhancement Projects and amend. 2009-10 Budget, Tr. letter, 371, Pssd., 372

Amend. Ord. No. 2009-386, relating to University Ave. Improvement and ARTWalk2 Enhancement Proj. and Ord. No. 2008-178 to provide Ashwood Dr. funding, Tr. letter, 389, Pssd., 392

Approving changes in pav. width of University Ave. and N. Goodman St., Tr. letter, 408, Pub. hear., 384, Pssd., 409

Auth. easements and agree. for University Ave. Improvement and ARTWalk2 Enhancement Projects, Tr. letter, 408, Pssd., 410

UNIVERSITY OF ROCHESTER

Auth. ext. of agree. with University of Roch. for use of Genesee Valley ice rink, Tr. letter, 92, Pssd., 93

Amend. Official Map by abandonment of portions of Crittenden Blvd. and auth. their sale, Tr. letter, 162, Pub. hear., 136, Pssd., 163

Establishing max. comp. for professional svcs. agree. for counseling and stress management svcs., Tr. letter, 292, Pssd., 293

Auth. agree. for Roch. Walks Program, Tr. letter, 417, Pssd., 417

UP ALL NIGHT

Establishing max. comp. for professional svcs. agree. for "Bands On The Bricks" concerts, Tr. letter, 228, Pssd., 228

UPPER MONROE NEIGHBORHOOD ASSOCIATION

Amend. proposed 2009-10 Budget in regard to community beautification - \$9,000, Tr. letter, 186, Pssd., 189

UPSTATE REGIONAL BLUEPRINT FUNDS

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URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Auth. loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 306, Pssd., 307

URBAN RENEWAL

Designating area to be known as Bull's Head Urban Renewal District, Tr. letter, 111, Pssd., 112

Approving sale by Roch. Urban Renewal Agency of 12-12.5 Cady St. and 49-49.5 and 51 Dr. Samuel McCree Way in Third Ward Urban Renewal Proj., Tr. letter, 149, Pub. hear., 135, Pssd., 150

Designating additional areas for urban renewal as part of Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pssd., 258

Approving Urban Renewal Plan for Dewey-Driving Park Urban Renewal District, Tr. letter,

257, Pub. hear., 234, Pssd., 259

Changing zoning class. of parcels on Dewey Ave., Lexington Ave. and Driving Park Ave. from R-1 Low Density Residential, C-1 Neighborhood Ctr., C-2 Community Ctr. and Driving Park Urban Renewal District to Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pub. hear., 234, Pssd., 261

Amend. Mun. Code, Zoning Code, by amend. zoning regulations for Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pub. hear., 234, Pssd., 262

Approving amended Urban Renewal Plan for Midtown Urban Renewal Proj., Tr. letter, 375, Pub. hear., 351, Pssd., 378

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VANDAMME ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for web dev. svcs., Tr. letter, 140, Pssd., 140

VARGAS ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agree. for office relocation management, Tr. letter, 147, Pssd., 147

Establishing max. comp. for amend. professional svcs. agree. for office relocation management, Tr. letter, 356, Pssd., 357

VAZQUEZ, JULIO

Reso. approving appt. to City Planning Commission, Tr. letter, 247, Adpt., 247

VERSAILLES ROAD

Approving granting of permanent easement over former railroad right-of-way adj. to 65 Versailles Rd., Tr. letter, 44, Pssd., 45

VETERAN'S OUTREACH CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Approving Consolidated Plan Housing Programs and amend. Ord. No. 2009-196, 2007-184 and 2006-92, Tr. letter, 243, Pssd., 245

VETERINARY SERVICES

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 263, Pssd., 264

VOLUNTEER INTERN PROGRAM

Establishing max. comp. for amend. professional svcs. agree. for training svcs., Tr. letter, 415, Pssd., 415

VOLUNTEERS OF AMERICA

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Auth. agree. relating to 2009 Summer of Opportunity Program, Tr. letter, 230, Pssd., 232

Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

Auth. facilities repair agree. for Emergency Shelter Grant Program, Tr. letter, 398, Pssd., 399

VOYAGER BOAT SALES, INC.

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 399, Pssd., 399

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WAGES AND BENEFITS

L.L. amend. City Charter with respect to salary of Mayor, Tr. letter, 36, Pssd., 37; Tr. letter, 383, Pssd., 394

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WARD, RUTH BROOKS

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WARD STREET, LTD.

Auth. sale of real estate and release of reversionary rights to FIGHT Village Housing Proj., Tr. letter, 357, Pssd., 358

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WARREN, LOVELY A., COUNCILMEMBER

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WASHINGTON, HAZEL L.

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WASHINGTON SQUARE PARKING GARAGE

Auth. Holiday Shopper and Special Events Free Parking Program at Mun. Parking Garages, Tr. letter, 374, Pssd., 375

WATER

Establishing max. comp. for professional svcs. agree. for water testing svcs., Tr. letter, 22, Pssd., 23

Establishing max. comp. for professional svcs. agree. for Highland Reservoir Liner Improvement Proj., Tr. letter, 49, Pssd., 50

Bond ord. auth. issuance of \$630,000 bonds

to finance engineering svcs. for Highland Reservoir Liner Improvement Proj., Tr. letter, 49, Pssd., 50

Auth. agree. with respect to Jefferson Rd. Reconstruction Proj., Tr. letter, 51, Pssd., 52

Bond ord. auth. issuance of \$1,750,000 bonds to finance reconstruction of var. water mains related to 2009 Street Improvement Program, Tr. letter, 52, Pssd., 54

Bond ord. auth. issuance of \$157,000 bonds to finance var. water mains related to Brooks Ave. (Genesee Park Blvd. to West City Line) Improvement Proj., Tr. letter, 56, Pssd., 59

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 155, Pssd., 155

Amend. Chapter 23 of the Mun. Code, Waterworks, Tr. letter, 178, Pssd., 181

Bond ord. auth. issuance of \$1,970,000 bonds to finance reconstruction of var. water mains related to 2009 Water Main Extension and Improvements Program, Tr. letter, 201, Pssd., 203

Auth. agree. with County of Monroe for water testing svcs. at Durand Eastman Beach, Tr. letter, 203, Pssd., 203

Amend. Chapter 39 of Mun. Code, Bldg. Code, with respect to stormwater pollution prevention measures, Tr. letter, 204, Pssd., 220; Tr. letter, 389, Pssd., 390

Bond ord. auth. issuance of \$410,000 bonds to finance reconstruction of various water mains related to E. Henrietta Rd. Improvement Proj., Tr. letter, 311, Pssd., 313

Establishing max. comp. for amend. professional svcs. agree. for cathodic protection program for water system, Tr. letter, 313, Pssd., 313

Establishing max. comp. for amend. professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 313, Pssd., 314

Bond ord. auth. issuance of \$4,785,000 bonds to finance reconstruction of City's S. Clinton Ave. water supply conduit located in Town of Brighton, Tr. letter, 313, Pssd., 315

Establishing max. comp. for professional svcs. agree. for water hydraulic model, Tr. letter, 315, Pssd., 315

Bond ord. auth. issuance of \$142,500 bonds to finance reconstruction of var. water mains related to Lawn St. Improvement Proj., Tr. letter, 316, Pssd., 319

Auth. grant applications and agree. for Water Quality Improvement Proj., Tr. letter, 339, Pssd., 340

Auth. amend. agree. with Monroe County Water Authority, Tr. letter, 367, Pssd., 368

WATER BUREAU

Auth. inter-municipal agree. for radio transmitting equipment, Tr. letter, 252, Pssd., 253

WATER OPERATIONS CENTER

Establishing max. comp. for a professional svcs. Agree. for Water Operations Ctr. LEED Proj., Tr. letter, 21, Pssd., 21

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WEB DEVELOPMENT

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WEBSTER, TOWN OF

Auth. application and agree. for Justice Assist. Local Formula Grant, Tr. letter, 131, Pssd., 132

WENDELL DUCHSCHERER ARCHITECTS & ENGINEERS

Establishing max. comp. for amend. professional svcs. agree. for Mt. Hope Cemetery Study, Tr. letter, 324, Pssd., 324

WERNER PARK

L.I.O. - Care and embellishment of var. neighborhood st. malls for 2009-10, Tr. letter, 24, Pub. hear., 1, Held, 25, Pssd., 61

WEST MAIN STREET

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WESTFALL HEIGHTS APARTMENTS

Approving property tax exemption and auth. in-lieu-of-tax agree. and ext. of reversionary interest for Westfall Heights Apartments Renovation Project, Tr. letter, 396, Pssd., 397

WHITNEY STREET

Establishing max. comp. for amend. professional svcs. agree. for environmental cleanup of 415 Orchard St. and 354 Whitney St., Tr. letter, 370, Pssd., 371

WILSON BOULEVARD

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 121, Pub. hear., 99, Pssd., 122

WILSON COMMENCEMENT PARK

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Approp. funds and auth. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 282, Pssd., 283

WINSLOW, SALLY WOOD

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 223, Pssd., 223

WINTEK

Establishing max. comp. for professional svcs. agree. for new High Falls laser show, Tr. letter, 88, Pssd., 89

Establishing max. comp. for professional svcs. agree. for High Falls laser show, Tr. letter, 222, Pssd., 223

WOODSIDE STREET

L.I.O. - Establishing operating and maint. costs of neighborhood commercial or residential parking lots, Tr. letter, 165, Pub. hear., 136, Pssd., 166

WORKFORCE INVESTMENT BOARD

Auth. ext. of agree. for Workforce Investment Board, Tr. letter, 330, Pssd., 331

-X-**XEROX ROCHESTER INTERNATIONAL JAZZ FESTIVAL**

Establishing max. comp. for agree. for 2010 Xerox Roch. Intl. Jazz Festival, Tr. letter, 354, Pssd., 354

-Y-**YWCA OF ROCHESTER AND MONROE COUNTY**

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 95, Pssd., 96

Auth. amend. agree. for Adolescent Pregnancy Prevention Svs. Program and amend. 2008-09 Budget, Tr. letter, 132, Pssd., 133

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 198, Pssd., 199

Auth. agree. for Young Mother's Parenthood Proj., Tr. letter, 324, Pssd., 325

Auth. facilities repair agree. for Emergency Shelter Grant Program, Tr. letter, 398, Pssd., 399

YELLOWJACKET RACING, LLC

Establishing max. comp. for 2010 Roch. Flower City Challenge, Tr. letter, 356, Pssd., 356

YOUNG, DAVID

Reso. approving appt. to Electrical Examining Board, Tr. letter, 46, Adpt., 47

YOUNG EXPLOSIVES

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 185, Pssd., 186

Establishing max. comp. for professional svcs. agree. for High Falls laser show, Tr. letter, 222, Pssd., 223

YOUNG MOTHER'S PARENTHOOD PROJECT

Auth. agree. for Young Mother's Parenthood Proj., Tr. letter, 324, Pssd., 325

YOUTH BUREAU

See "Rochester-Monroe County Youth Bureau"

YOUTH DEVELOPMENT

Amend. proposed 2009-10 Budget in regard to youth dev. - \$20,000, Tr. letter, 186, Pssd., 188

YOUTH SERVICES PROGRAMS

Auth. agree. for Youth Svcs. Programs, Tr. letter, 414, Pssd., 415

YOUTH SUMMIT

Establishing max. comp. for agree. and amend. 2008-09 Budget with respect to Youth Summit, Tr. letter, 265, Pssd., 265

YOUTH TRAINING ACADEMY

Establishing max. comp. for amend. professional svcs. agree. for training svcs., Tr. letter, 415, Pssd., 415

YOUTH VIOLENCE DISPUTE AND GANG MAPPING SYSTEM

Establishing max. comp. for professional svcs. agree. for Youth Violence Dispute and Gang Mapping System, Tr. letter, 380, Pssd., 381

YOUTH VOICE, ONE VISION

Auth. grant agree. and amend. 2008-09 Budget for Northeast Bridges to Wellness Proj., Tr. letter, 130, Pssd., 130

Auth. agree. for Youth Voice, One Vision and amend. 2009-10 Budget, Tr. letter, 262, Pssd., 263

-Z-**ZONING CHANGES**

Changing zoning class. of 431 W. Main St. from C-2 Comm. Ctr. To CCD-M Center City-Main Street, Tr. letter, 17, Pub. hear., 1, Pssd., 18

Changing zoning class. of 488-546 S. Clinton Ave. from C-2 Comm. Ctr. to CCD-B Center City-Base, Tr. letter, 18, Pub. hear., 1, Pssd., 19

Changing zoning class. of 1443-1477 E. Main St. from R-2/O-O Medium Density Residential/Officer Overlay to C-1 Neighborhood Commercial, Tr. letter, 73, Pub. hear., 64, Pssd., 73

Changing zoning class. of 1452 Norton St. from R-1 Low-Density Residential to C-2 Community Ctr., Tr. letter, 153, Pub. hear., 135, Pssd., 154

Changing zoning class. of 330-332 Hayward Ave. from R-1 Low Density Residential to C-2 Community Ctr., Tr. letter, 248, Pub. hear., 234, Pssd., 249

Changing zoning class. of parcels on Dewey Ave., Lexington Ave. and Driving Park Ave. from R-1 Low Density Residential, C-1 Neighborhood Ctr., C-2 Community Ctr. and Driving Park Urban Renewal District to Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pub. hear., 234, Pssd., 261

Changing zoning class. of part of 640 Jefferson Ave. and 654-658, 663-687, 666, 672, 676 and 691-693 Jefferson Ave. from R-1 Low Density Residential to C-1 Neighborhood Ctr., Tr. letter, 283, Pub. hear., 268, Pssd., 284

Changing zoning class. Of 1794, 1800-1808 and 1820 Lyell Ave. from C-2 Comm. Ctr. to M-1 Industrial, Tr. letter, 363, Pub. hear., 351, Pssd., 365

Changing zoning class. of portion of 583-585 Hudson Ave. from R-1 Low Density Residential to C-1 Neighborhood Ctr., Tr. letter, 399, Pub. hear., 384, Pssd., 400

Changing zoning class. of portion of 85 Palm St. from M-1 Industrial to R-1 Low Density Residential, Tr. letter, 400, Pub. hear., 384, Pssd., 401

ZONING CODE

Amend. Mun. Code, Zoning Code, by amend. zoning regulations for Dewey-Driving Park Urban Renewal District, Tr. letter, 257, Pub. hear., 234, Pssd., 262

Amend. Chapter 120 of Mun. Code, Zoning Code, with respect to zoning regulations for

Midtown Urban Renewal Proj., Tr. letter, 375,
Pub. hear., 351, Pssd., 379