

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2011**

ROCHESTER, NEW YORK

Officials 2011

Thomas S. Richards⁽¹⁾
Mayor

R. Carlos Carballada⁽²⁾
Acting Mayor

Leonard E. Redon⁽³⁾
Deputy Mayor

Darryl Porter
Assistant to the Mayor

William J. Ansbrow
Director of Management & Budget

Robert J. Bergin⁽⁴⁾
Corporation Counsel

Luis Burgos
Commissioner of Recreation & Youth Services

R. Carlos Carballada
Commissioner of Neighborhood &
Business Development

John D. Caufield
Fire Chief

Tassie R. Demps
Director of Human Resource Management

Alinda Drury
Director of Special Projects

Jeffrey P. Eichner⁽⁵⁾
Acting Corporation Counsel

Bret Garwood⁽⁶⁾
Acting Commissioner of
Neighborhood & Business Development

Paul M. Holahan
Commissioner of Environmental Services

George Markert⁽⁷⁾
Director of Office of Public Integrity

David Mayor
Chief of Information Technology

John M. Merklinger
Emergency Communications Center Director

David Moore⁽⁸⁾
Director of Office of Public Integrity

Brian L. Roulin
Director of Finance

James M. Sheppard
Police Chief

Patricia Uttaro
Library Director

Gary Walker
Director of Communications

(1) Resigned January 20, 2011; returned as Mayor on April 11, 2011 after Special Election.

(2) January 21 through April 10, 2011.

(3) As of July 13, 2011.

(4) As of August 11, 2011.

(5) Through August 10, 2011.

(6) January 21 through April 10, 2011.

(7) As of August 1, 2011.

(8) Retired July 31, 2011.

Members of Council 2011

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

City Clerk's Office 2011

Daniel B. Karin City Clerk
Hazel L. Washington..... Deputy City Clerk
Birth A. Manigault Senior Legislative Assistant
Rebecca M. McNamara..... Senior Legislative Assistant
Betsy P. Indivino..... Legislative Assistant
Bernard J. Christopher Legislative Aide Part-time
Candice A. Bianchi Senior Legislative Clerk
Michael Ann Flynn Receptionist
Lisa M. Alexander..... Legislative Clerk
Darlene T. LaBoy..... Legislative Clerk

City Council Office 2011

Andrea M. Guzzetta Chief of Staff
Bridget A. Monroe Associate Legislative Analyst
Bridgette Burch White⁽¹⁾ Principal Legislative Communications Assistant
Carmen L. Aponte-Merced Secretary to City Council

(1) Position eliminated as of July 29, 2011.

Standing Committees of The City Council 2011

Finance

Conklin, Ortiz, Scott

Jobs, Parks & Public Works

Miller, Haag, Scott

Neighborhood & Business Development

Palumbo, Conklin, Miller

Public Safety, Youth & Recreation

McFadden, Haag, Ortiz

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

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

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

SPECIAL MEETING
JANUARY 6, 2011
4:15 P.M.

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

Absent - None - 0.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 1
Re: Resolution Establishing The Date For The Special Election Of The Mayor

Transmitted herewith for your approval is a resolution related to establishing the date for the special election to determine the successor and serve the unexpired term of Mayor Robert J. Duffy.

The date of the special election will be March 29, 2011. This date allows for the full 90-days to be utilized in order for the community to prepare and educate themselves on the candidates that will be running to fill the seat. In addition, this date was also chosen as it will keep Election Day on a Tuesday.

This legislation will authorize the City Clerk to deliver this resolution to the Board of Elections on the date that it becomes effective, February 1, 2011. By doing this, it will allow the Board of Elections to have the maximum time to prepare for a citywide election.

Respectfully Submitted,
Lovely A. Warren
President, City Council

Introductory No. 1

RESOLUTION ESTABLISHING THE DATE FOR THE SPECIAL ELECTION OF THE MAYOR

WHEREAS, Robert J. Duffy, who was elected to the Office of Mayor of the City of Rochester on November 3, 2009 has resigned as Mayor on December 31, 2010 in order to take Office as the newly elected Lieutenant Governor of the State of New York; and

WHEREAS, Section 3-2.1 of the Charter of the City of Rochester provides that upon a vacancy in the Office of the Mayor, the City Council shall fill the vacancy by appointing within 30 days of the

vacancy a person who is registered in the same political party as the person who vacated the office, or if the Council fails to appoint a Mayor within 30 days of the vacancy, there shall be a special election held within 90 days of such vacancy to elect a successor to serve the unexpired term; and

WHEREAS, the City Council does not intend to fill the vacancy by appointment and desires that a special election be held; and

WHEREAS, the City Council wishes to set the date for the special election in order to maximize community participation in the electoral process and to allow the appropriate planning to begin for said election.

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

Section 1. The special election to fill the vacancy in the Office of Mayor of the City of Rochester shall be held on March 29, 2011.

Section 2. The City Clerk shall deliver a certified copy of this resolution to the Monroe County Board of Elections upon its effective date.

Section 3. This resolution shall take effect on February 1, 2011.

Item held.

The meeting was adjourned at 4:23 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JANUARY 25, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Emergency Communications
*David H. Quartley
Police Department
*Joseph M. McMahan
Library
*Christine G. Antoniak

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Ortiz

RESOLVED, that the minutes of the Regular Meeting of December 14, 2010 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 4033-11
 - Public Disclosure - CDBG Participation (3) 4034-11, 4035-11, 4036-11
 - Public Disclosure - HOME Participation 4037-11
 - Public Disclosure - Home Rochester/ACA Program Participation 4038-11
 - Quarterly Reports 4039-11
 - Professional Services Agreements
 - Delinquent Receivables

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented

PUBLIC HEARINGS.

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

Authorizing The Sale Of 116 West Main Street To Further The Cascade Area Urban Renewal Plan Int. No. 20 1 speaker: Alex White.

Designating Plymouth Terrace, LLC As Qualified And Eligible To Purchase And Develop 116 West Main Street In The Cascade Area Urban Renewal Project Int. No. URA-1 No speakers.

Approving A Change In The Traffic Flow Of Kirley Alley From Two-Way To One-Way Eastbound Int. No. 15 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 25, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 2 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Consulting Services

Int. No. 3 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Services

Int. No. 22 - Resolution Approving Appoint-

ments To The Board Of Assessment Review

Int. No. 476 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority, As Amended

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 1 - Resolution Establishing The Date For The Special Election Of The Mayor

The following entitled legislation is being held in Committee:

Int. No. 4 - Amending Chapter 66 Of The Municipal Code, Junkyard Operators, Junk Dealers And Scrap Processors

Int. No. 5 - Amending Chapter 80 Of The Municipal Code, Pawnbrokers

Int. No. 6 - Amending Chapter 96 Of The Municipal Code, Secondhand Dealers

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-1
Re: Agreement - First Consulting, Inc.,
Technical Writing

Transmitted herewith for your approval is legislation establishing \$90,000 as maximum compensation for an agreement with First Consulting, Inc., Rochester 14602, to provide technical writing services required for documentation of certain procedures related to the Process and System Integration Initiative (PSI). The cost of this agreement will be funded from the 2009-10 Information Technology Department Cash Capital allocation (PSI Back Office Implementation).

First Consulting will provide the services of three full-time and one part-time technical writers to document City financial business procedures for training and reference purposes. This service is required to ensure that City employees are trained in the new financials system and provided with procedure manuals in a timely fashion. The anticipated go-live date of the new system is July 1, 2011.

Tyler Technologies, the primary consultant for the PSI project, has technical writers available, but at a much higher cost than First Consulting. Given the immediate need for these services, it was decided to hire First Consulting based on their local presence, their hourly rate of \$60, and the high quality of their prior work for the IT Department. The term of the agreement will be for eight months.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-1
(Int. No. 2)

Establishing Maximum Compensation For A Professional Services Agreement For Computer Consulting Services

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

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and First Consulting, Inc. for computer technical writing services for the Process and System Integration (PSI) Project. 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:

Ordinance No. 2011-2
Re: Agreement - PSR Inc., Mainframe
Computer Equipment and Services

Transmitted herewith for your approval is legislation establishing \$593,922 as maximum compensation for a five-year agreement with PSR Inc., Canton MA, for the provision of upgraded mainframe hardware and associated operating system software and licenses, and hardware support services for the duration of the agreement. The cost for the first year will be \$102,096; of this amount, \$24,060 will be funded from the 2010-11 Operating Budget of the Information Technology Department; the remaining amount, \$78,036 will be included in the 2011-12 Operating Budget proposal for ITD. Funding for future years will be included in the annual ITD budget proposals.

The majority of the City's business operations run on the IBM mainframe computer located within the IT Department. Current mainframe software licenses and hardware support services are projected to cost \$740,334 over the next five years; this agreement for upgraded hardware and related software will result in a savings of \$146,412 over the five years.

The purchase of the upgraded mainframe processors and associated operating system software will be financed in monthly installment payments over the course of five years at interest rates of 3.51% for the hardware and 1.08% for the software. Failure to allocate funding for payments against these purchases will result in termination of the license and service agreement and repossession of purchased hardware by IBM Inc.

Upgrade of mainframe software is required since IBM is phasing out support for the version currently run at the City. Upgraded mainframe hardware will facilitate this transition.

The City's mainframe will eventually be decommissioned with the implementation of the PSI initiative. Decommission will be completed in a minimum of five to seven years.

PSR Inc. is an IBM partner on New York State contract and was selected because of their familiarity with our existing mainframe system. PSR Inc. was selected in March of 2009 to provide five years of mainframe backup and disaster recovery services (Ordinance No. 2009-59).

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-1

Ordinance No. 2011-2
(Int. No. 3)

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 \$593,922, or so 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 upgraded mainframe hardware and associated operating system software and mainframe software licenses and hardware support services for the IBM mainframe for a period of five years. Of said amount, \$24,060 shall be funded from the 2010-11 Budget of the Information Technology Department, and the remainder shall be funded from subsequent budgets of the Information Technology Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to amend Introductory No. 22.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2011-1
Re: Appointments - Board Of
Assessment Review

Transmitted herewith for your approval is legisla-
tion to approve the appointment to the Board of
Assessment Review of Ruth Brooks-Ward for a
five-year term and the appointments of Peter J.
Easterly, Adrienne M. Kllc, Justin R. Martin, Bar-
bara M. Story and Michael R. Galitzdorfer for one-
year terms.

All individuals have an extensive background in
real estate. In addition, all with the exception of
Mr. Easterly have served in some capacity on this
Board.

Respectfully submitted,
Lovely A. Warren
President

Resolution No. 2011-1
(Int. No. 22, As Amended)

**Resolution Approving Appointments To The
Board Of Assessment Review**

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

Section 1. The Council hereby approves the
appointment of

Ruth Brooks Ward
104 Melrose Street
Rochester, New York 14619

to the Board of Assessment Review for a term that
will expire on September 30, 2015.

Section 2. The Council hereby approves the
appointments of

Peter J. Easterly
65 Beacon Street
Rochester, New York 14607

[And

Adrienne M. Kllc
215 Aldine Street
Rochester, New York 14619]

And

Justin R. Martin
232 Henrietta Street
Rochester, New York 14620

And

Barbara M. Story
1598 Highland Avenue
Rochester, New York 14618

And

Michael R. [Galitzdorpher] Galitzdorfer
3 N. Goodman Street

Rochester, New York 14607

to the Board of Assessment Review for a term that
will expire on September 30, 2011.

Section 3. This resolution shall take effect im-
mediately.

Bracketed material deleted; underlined material
added.

Adopted unanimously.

Introductory No. 476 was introduced December 14,
2010 and appears in its original form with its
transmittal letter on page 433 of the 2010 Council
Proceedings.

Attachment No. AK-2

Ordinance No. 2011-3
(Int. No. 476, As Amended)

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

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

Section 1. Pursuant to Section 32 of the New
York State Public Housing Law, the Council here-
by approves wage and salary increases of 2.40% for
2010, 2.4% for 2011, 2.4% for 2012 and 2.0% for
2013 for bargaining unit employees, and not to
exceed such amounts for non-bargaining unit em-
ployees of the Rochester Housing Authority, [for
one year] effective on October 1[, 2010] of each
year, as approved by the Board of Commissioners
of the Rochester Housing Authority on [November
19, 2010] January 6, 2011.

Section 2. This ordinance shall take effect im-
mediately.

Bracketed material deleted; underlined material
added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Scott abstained.

Introductory No. 1 was introduced January 6, 2011
and appears in its original form with its transmittal
letter on page 1 of the current Council Proceedings.

Resolution No. 2011-2
(Int. No. 1)

**Resolution Establishing The Date For The
Special Election Of The Mayor**

Adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Scott - 7.

Nay - Councilmembers Ortiz, Spaul - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 4,
Introductory No. 5 and
Introductory No. 6
Re: Amending the Municipal Code -
Licensing Codes

Transmitted herewith for your approval is legislation amending the Municipal Code to revise certain licensing provisions related to Junkyard Dealers, Pawnbrokers, and Secondhand Dealers.

Over the past several years, the Rochester area has experienced a significant increase in property crimes - burglaries, larcenies, as well as thefts of copper and other metals. Research shows that the intent of most individuals committing these crimes is to convert stolen property to cash as quickly and as easily as possible. And, the most commonly stolen items are also the most commonly pawned and sold items: jewelry, laptop computers, video games, televisions, and GPS units.

The proposed amendments to the licensing code are designed to further limit the opportunities for the sale of stolen property. The following will apply to licensed pawnbrokers, secondhand dealers, junkyard operators, junk dealers, and scrap processors:

- Electronic reporting of transactions will be required to provide easier and more efficient access to data and simplify the tracking of stolen goods.
- The day-to-day operator of the venue must be identified in addition to the name of the licensee.
- Business with individuals who have been convicted of specific offenses will be prohibited.
- Check cashing and the sale of new merchandise, over-the-counter pharmaceuticals, and health and beauty products will be prohibited.
- The requirement to hold items will be increased from five to fifteen days.
- A license may be revoked if the licensee is found guilty in the Municipal Codes Violations Bureau of five violations within a two year period.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 4

AMENDING CHAPTER 66 OF THE MU-

**MUNICIPAL CODE, JUNKYARD OPERATORS,
JUNK DEALERS AND SCRAP PROCESSORS**

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

Section 1. Subsection E of Section 66-7 of the Municipal Code, Restrictions on licensing and operation, as amended, is hereby further amended by deleting the final sentence thereof.

Section 2. Section 66-7 of the Municipal Code, Restrictions on licensing and operation, as amended, is hereby further amended by adding thereto the following new subsections:

- I. No junkyard operator, junk dealer or scrap processor shall make any purchases with cash or through exchange of other goods. Payment for all items purchased by a junkyard operator, junk dealer, scrap processor, their employees or agents shall be made by means of a check drawn on the junkyard operator's, junk dealer's or scrap processor's account and made out in the name of the person selling the item.
- J. No junkyard operator, junk dealer, scrap processor, or their employees or agents, nor any other person or entity, shall cash checks upon the licensed premises.

Section 3. Subsection B of Section 66-8 of the Municipal Code, Recordkeeping requirements, as amended, is hereby further amended by

- A. Every junkyard operator, junk dealer, and scrap processor shall keep a substantially bound book, not less than six (6) inches in either length or width, in which shall be documented, at the time of the purchase or receipt of any item, a description thereof, the name, date of birth, residence address and personal description of the person from whom the purchase was made and the date and time when the purchase was made, the license plate number and state of issuance of the vehicle in which the items were transported or a description of how the items were transported if not by vehicle, and the name of the employee accepting the items. The identity of the seller shall be verified by use of a New York State driver's license or New York State non-driver identification card, police identification card or other means of identification approved by the Chief of Police, and the license or identification card number shall also be recorded in the record with the other identifying information. The records shall be legibly written in the English language and shall show the amount paid for each item along with the check number issued for payment of said item. All such books shall be open to inspection by any member of the Rochester Police Department during the hours of business operation. No entry in such books shall be erased, obliterated, altered or defaced and such books shall be maintained for a period

of three (3) years from the date of the latest purchase or sale entry made therein. Every junkyard operator, junk dealer, and scrap processor shall also make and retain a copy of the identification card used to verify the identity of the person from whom the items were purchased and shall retain this copy in a separate book, register or electronic archive for two years from the date of purchase.

- B. Every junkyard operator, junk dealer, and scrap processor shall make out every business day, on blank forms to be furnished by, or in a format approved by, the Chief of Police, a record containing the details of all purchases and receipt of junk from individual sellers who are not institutional clients during the preceding business day. The dealer shall deliver such record to the Chief of Police or his or her representative, by mail, in person or by Computer transmission as prescribed in §66-9, on the same day in which the record is completed. The details to be reported on each purchase shall be prescribed by regulations promulgated by the Chief of Police.

Section 4. Section 66-9 of the Municipal Code, Denial of license; Section 66-10, Additional regulations; penalties for offenses; and Section 66-11, Severability, are hereby renumbered as Sections 66-10 through 66-12, respectively, and a new Section 66-9 is hereby added to read in its entirety as follows:

§66-9. Computerized reporting of daily report.

- A. From and after the date called for by the phase-in schedule in subsection C, every junkyard operator, junk dealer, or scrap processor except those exempted by operation of subsection D shall, on the same day the record is completed, transmit to the Chief of Police by means of electronic transmission through a modem or similar device or delivery of a computer disk, in such a format that the data is capable of direct electronic entry into the Rochester Police Department's computerized system for identifying and tracing lost, stolen and sought-after property, the information §66-8 requires be recorded concerning all transactions in which the licensee received junk the preceding day.
- B. The Chief of Police shall by rule establish the format and requirements of the transmission of data and may by rule restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall not be reported on paper forms unless the Chief of Police so requests. Each junkyard operator, junk dealer, or scrap processor shall pay a fee of twenty-five cents (\$.25) per transaction required to be electronically reported if the electronic report transmitted to the Chief of Police is erroneous, duplicative or in an incorrect or incompatible for-

mat, or if no electronic report of the transaction is transmitted, in addition to being subject to a ticket and fine for failing to submit a daily report pursuant to this chapter.

- C. Each junkyard operator, junk dealer, or scrap processor shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:

- (1) For each junkyard for which a junkyard operator, junk dealer, or scrap processor license is first obtained on or after June 1, 2011, effective upon commencing business or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
- (2) For each other junkyard for which a junkyard operator, junk dealer, or scrap processor license was first obtained before June 1, 2011, not later than June 1, 2011 or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
- (3) The Chief of Police may for good cause shown grant a junkyard operator, junk dealer, or scrap processor an extension of the otherwise applicable deadline to a date not later than November 1, 2011. An extension may only be granted upon written application by the junkyard operator, junk dealer, or scrap processor; upon a showing that the junkyard operator, junk dealer, or scrap processor is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission; and upon agreement by the junkyard operator, junk dealer, or scrap processor to pay to the City a fee of twenty-five cents (\$.25) per transaction reported after the otherwise applicable deadline to offset the Rochester Police Department's costs in converting the data from paper format into electronic form.

- D. If, after establishing the format and requirements for the transmission of computerized reports of transactions the Chief of Police alters the required format, junkyard operators, junk dealers, and scrap processors shall be given at least thirty (30) days to comply with the new format requirements.

Section 5. This ordinance shall take effect on June 1, 2011.

Held in Committee.

Introductory No. 5

AMENDING CHAPTER 80 OF THE MUNICIPAL CODE, PAWNBROKERS

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Subsection A of Section 80-5 of the Municipal Code, Regulations, as amended, is hereby further amended to read in its entirety as follows:

- A. Pawnbrokers shall report daily to the Chief of Police, on a blank form to be furnished by, or in a format approved by, the Chief of Police, a description of all articles received by said pawnbroker within the 24 hours immediately preceding the delivery of such report and the name, date of birth, residence address and personal description of the person from whom the articles were received and the date and time when the articles were received, and the name of the employee receiving the articles. The identity of the person from whom the articles were received shall be verified by use of a New York State driver's license or New York State non-driver identification card, police identification card or other means of identification approved by the Chief of Police, and the license or identification card number shall also be recorded in the record with the other identifying information. The pawnbroker shall deliver such report to the Chief of Police or his or her representative, by mail, in person or by Computer transmission as prescribed in §80-6, on the same day in which the record is completed. The contents of such report shall not be communicated to any person for the purpose of publication but shall be used expressly for protecting the public. No person shall make any false entry in such report, and whenever the Chief of Police shall notify any pawnbroker not to sell or permit to be redeemed any property so received on deposit, such property shall not be sold or be permitted to be redeemed until the said Chief shall so direct. Every pawnbroker shall also make and retain a copy of the identification card used to verify the identity of the person from whom the items were received and shall retain this copy in a separate book, register or electronic archive for two years from the date of purchase.

Section 2. Section 80-5 of the Municipal Code, Regulations, as amended, is hereby further amended by adding thereto the following new Subsections C, I and J:

- C. No pawnbroker shall make any purchase or otherwise receive any articles from any person without first ascertaining that such articles are the property of the person offering to sell them, and were not stolen.
- I. No pawnbroker shall make any payment for items pawned with cash or through exchange of other goods. Payment for all items pawned by a pawnbroker shall be made by means of a check drawn on the pawnbroker's account and made out in the name of the person pawning the item. The

pawnbroker shall record on the face of the check the number affixed to the item pawned.

- J. No pawnbroker, nor any other person or entity, shall cash checks upon the licensed pawnbroker's premises.

Section 3. Section 80-6 of the Municipal Code, Applicability of Chapter 68, is hereby renumbered as Section 80-7 and a new Section 80-6 is hereby added to read in its entirety as follows:

§80-6. Computerized reporting of daily report.

- A. From and after the date called for by the phase-in schedule in subsection C, every pawnbroker except those exempted by operation of subsection D shall, on the same day the record is completed, transmit to the Chief of Police by means of electronic transmission through a modem or similar device or delivery of a computer disk, in such a format that the data is capable of direct electronic entry into the Rochester Police Department's computerized system for identifying and tracing lost, stolen and sought-after property, the information §80-5A requires be recorded concerning all transactions in which the licensee received articles the preceding day.
- B. The Chief of Police shall by rule establish the format and requirements of the transmission of data and may by rule restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall not be reported on paper forms unless the Chief of Police so requests. Each pawnbroker shall pay a fee of twenty-five cents (\$.25) per transaction required to be electronically reported if the electronic report transmitted to the Chief of Police is erroneous, duplicative or in an incorrect or incompatible format, or if no electronic report of the transaction is transmitted, in addition to being subject to a ticket and fine for failing to submit a daily report pursuant to this chapter.
- C. Each pawnbroker shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:
 - (1) For each pawnshop for which a pawnbroker's license is first obtained on or after June 1, 2011, effective upon commencing business or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
 - (2) For each other pawnshop for which a pawnbroker's license was first obtained before June 1, 2011, not later than June 1, 2011 or one (1) month after the effective date of the initial rules adopted pur-

suant to subsection B, whichever is later;

- (3) The Chief of Police may for good cause shown grant a pawnbroker an extension of the otherwise applicable deadline to a date not later than November 1, 2011. An extension may only be granted upon written application by the pawnbroker, upon a showing that the pawnbroker is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission, and upon agreement by the pawnbroker to pay to the City a fee of twenty-five cents (\$.25) per transaction reported after the otherwise applicable deadline to offset the Rochester Police Department's costs in converting the data from paper format into electronic form.

- D. If, after establishing the format and requirements for the transmission of computerized reports of transactions the Chief of Police alters the required format, pawnbrokers shall be given at least thirty (30) days to comply with the new format requirements.

Section 4. This ordinance shall take effect on June 1, 2011.

Held in Committee.

Introductory No. 6

AMENDING CHAPTER 96 OF THE MUNICIPAL CODE, SECONDHAND DEALERS

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

Section 1. Chapter 96 of the Municipal Code, Secondhand Dealers, as amended, is hereby further amended to read in its entirety as follows:

Chapter 96. SECONDHAND DEALERS

§96-1. License required.

- A. No person, firm, corporation, partnership, association, trust or any type of business enterprise shall carry on the business of secondhand dealer without obtaining a license from the Chief of Police.
- B. A "secondhand dealer" shall mean one who purchases from the public secondhand goods of any kind. The regulations contained in this Chapter shall apply to all persons who purchase from the public secondhand goods of any kind, including the owner or operator of a secondhand business, or his or her employees or agents. A "purchase" of a secondhand item, as used in this chapter, in addition to its usual meaning of "buy" or "pay for", shall also be construed to include an exchange, trade, transfer, or other means of acquisition for consideration of a

secondhand item.

- C. "Secondhand goods" means any previously owned property or merchandise, including but not limited to clothes, furniture, household items, jewelry, precious metals and gems, consumer goods, vehicle and vehicle parts, and all other moveable personal property.

§96-2. Exemptions from Chapter.

This Chapter shall not apply to:

- A. Any person licensed as a Junkyard Operator, Junk Dealer or Scrap Processor under Chapter 66 of this Code; or
- B. Any secondhand dealer that is exempt from taxation under §501(c)(3) or §501(c)(4) of the Internal Revenue Code; or
- C. Garage sales, basement sales, porch sales, yard sales and other such events at which a person desires to sell or trade his or her personal used items, household goods, furniture or equipment upon his or her premises, said premises not being a regular place of business for purchase or sale of secondhand items, shall be exempted from the license requirement of this chapter. No more than one (1) such sale shall be conducted by the same person or persons upon the same premises within one (1) calendar year, and each such sale shall not exceed three (3) consecutive days; or
- D. Sales conducted for charitable purposes shall be exempted from the license requirement of this chapter. The determination of whether a sale is being conducted for a charitable purpose shall be made by the Chief of Police.
- E. This chapter shall not apply to the return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained.

§96-3. Application for license.

- A. An application for a secondhand dealer's license shall be made by the owner and operator, if other than owner, on forms provided by the Chief of Police and filed with the City Clerk. The application shall request relevant information relating to the owner and operator, if any, of the business to be conducted at the premises and names and dates of birth of all employees. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. In this

situation, the secondhand dealer's license shall be issued to the operator; the names, addresses and phone numbers of the partners, officers or principals shall be listed on the application. All addresses of persons involved shall be home addresses, listing street and number. The application shall also require the legal address of the premises where such business is to be carried on, and whether the applicant or any officer, manager or employee has previously been involved in the purchase or sale of secondhand goods and if so, the name of the business, its location and the dates of involvement. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the city.

- B. Applications shall only be accepted where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a secondhand dealer's license denied, is ineligible to apply for a secondhand dealer's license during a period of suspension or for a period of one (1) year from the date of revocation or denial. The applicant(s) must also demonstrate to the Chief of Police that he or she has procured all necessary licenses and permits for the business.
- C. Upon receipt of an application for a secondhand dealer's license, and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Chief of Police shall cause an inspection to be made of the applicant's business premises to determine whether public safety problems exist, and the Chief of Police shall cause an investigation to be made of the background of the owner and operator of the business. Before the issuance of a license, the Chief of Police and his or her representatives shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. After a license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to secondhand businesses, may be made in areas open to the public or other areas with consent, and the Chief of Police shall have the authority to seek warrants where the same are constitutionally required.
- D. The Chief of Police shall cause an application to be administratively canceled if the applicant fails, with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations, or to pay any outstanding judgments rendered by the Municipal Code Violations Bureau, or to complete a building permit or zoning application.
- E. Any changes in any facts or information required on said application occurring after filing thereof shall be reported by the licen-

see in writing to the Chief of Police within five (5) days of the change.

§96-4. Additional inspections.

The Fire Chief may cause an inspection of the premises to be made to determine whether the applicant is in compliance with the laws and ordinances which the Rochester Fire Department is charged with enforcing. The Fire Chief and members of his or her staff shall have the right to enter upon any premises for which a secondhand dealer's license is sought when the business is open for the purpose of making such an inspection of areas open to the public, or other areas with consent, and shall also have the authority to seek warrants where the same are constitutionally required.

§96-5. Issuance of secondhand dealer's license.

- A. All new applications for a secondhand dealer's license as of June 1, 2011 shall be issued or denied within thirty (30) days after a fully completed application has been accepted and an inspection has found the premises to be code compliant.
- B. The owner, operator and employees of any secondhand business shall be of good moral character and shall maintain good order on the business premises at all times.
- C. Except as provided in New York Correction Law, Article 23-A, the Chief of Police reserves the right to deny a secondhand dealer's license to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business.
- D. No secondhand dealer's license shall be issued unless the applicant and business have fully complied with the provisions of this article and have obtained all necessary licenses and permits for the operation. No secondhand dealer's license shall be issued to a premises while charges are pending pursuant to §3-15 of the City Charter, or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.
- E. No secondhand dealer's license shall be issued unless the business premise is in compliance with the Municipal Code.
- F. No secondhand dealer's license shall be issued to any business or applicant against whom judgment has been rendered by the Municipal Code Violations Bureau relating to the business or business premises, which judgment has not been satisfied.
- G. No secondhand dealer's license shall be issued for a period of one (1) year after the applicant has been found guilty of operating a business without a secondhand dealer's license.

- H. It shall be the duty of all holders of a secondhand dealer's license to notify the Chief of Police of any changes in information supplied on their license applications within twenty (20) days of such changes.
- I. In case any suspicious or known dishonest person shall offer for sale to any secondhand dealer any article of value and the secondhand dealer has reason to believe from any circumstance that the same has been stolen or acquired by dishonest means, it shall be his or her duty to immediately report the offer to the Chief of Police or his or her representatives.

§96-6. Expiration of licenses.

Secondhand dealer's licenses shall expire on December 31 of each year.

§96-7. License fee.

The annual fee for a secondhand dealer's license shall be \$200. There shall be a fee of \$10 for replacement of a lost license.

§96-8. General operation of secondhand dealer's businesses.

- A. The owner and operator of any secondhand dealer's business shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of businesses and the occupation, use and maintenance of the premises and shall ensure that all of his or her employees and agents do also.
- B. The owner and operator of any secondhand dealer's business shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Neighborhood and Business Development and the Director of Planning and Zoning governing the occupation and use of the premises.
- C. The secondhand dealer's business owner and operator shall not employ any person who has been convicted within three years of any felony related to the operation of a business or who has had a secondhand dealer's license revoked or denied within the past year.
- D. The owner or operator of any secondhand dealer's business shall cause the secondhand dealer's license and business permit to be posted in a conspicuous place immediately visible upon entering the business.
- E. No secondhand dealer shall have his or her place of business open for the transaction of business except between the hours of 8:00 a.m. and 11:00 p.m.
- F. The owner or operator of any secondhand dealer's business shall maintain good order

on and about the premises at all times when the business is open. The premises shall include the building in which the business is located, as well as accessory structures and uses, including parking lots and the land on which the building is located. The owner or operator of any secondhand dealer's business shall be responsible to remove refuse and obstructions from the sidewalk in accordance with Municipal Code requirements, and to operate the business so that neither the business nor its patrons become a source of disruption on the sidewalks, streets or other private property in the vicinity of the business. The lack of good order shall include, but not be limited to, suffering or permitting the following:

- (1) The premises to become disorderly, including fighting or lewdness.
- (2) Gambling.
- (3) Prostitution.
- (4) Illegal possession, use, gift, sale or offer for sale of alcoholic beverages.
- (5) Illegal possession, use, gift, sale or offer for sale of cigarettes or tobacco products.
- (6) Food stamp or welfare fraud or criminal diversion of prescription medications and prescriptions.
- (7) Litter.
- (8) Possession, use, gift, sale or offer for sale of illegal drugs.
- (9) Noise violations.
- (10) Possession of stolen property.
- (11) Operating beyond the legal hours of operation.
- (12) Illegal possession, use, gift, sale or offer for sale of dangerous weapons.
- (13) Unlawfully dealing with a child or allowing or permitting sexual performances by a child.
- (14) Any other nuisance activity listed in §3-15 of the City Charter.

§96-9. Licensed premises.

A secondhand dealer's license shall be valid only for the location designated upon the application. No license shall be issued for more than one (1) location. All activities regarding secondhand dealing must be conducted at the licensed premises.

§96-10. Prohibited Transactions.

- A. No secondhand dealer shall receive or pur-

chase any secondhand goods from any person under the age of eighteen (18) years unless said infant is accompanied by his or her parent or legal guardian; any person who is visibly intoxicated or under the influence of drugs; and/or any person of whom they have knowledge that said person has been convicted within the past five (5) years of any of the following designated offenses of the New York State Penal Law:

(1) Title J: Offenses Involving Theft:

- (a) Article 140, Burglary;
- (b) Article 155, Larceny;
- (c) Article 156, Offenses Involving Computers;
- (d) Article 158, Welfare Fraud;
- (e) Article 160, Robbery;
- (f) Article 166, Other Offenses Relating to Theft; and

(2) Title M: Offenses Against Public Health And Morals:

- (a) Article 220, Controlled Substance Offenses;
- (b) Article 221, Offenses Involving Marihuana (except the violation under §221.05).

- B. No secondhand dealer shall make any purchase or otherwise receive any secondhand goods from any person without first ascertaining that such goods are the property of the person offering to sell the goods, and were not stolen.
- C. No secondhand dealer shall make any purchases with cash or through exchange of other goods. Payment for all items purchased by a secondhand dealer shall be made by means of a check drawn on the secondhand dealer's account and made out in the name of the person selling the item. The secondhand dealer shall record on the face of the check the number affixed to the item purchased pursuant to §96-13.
- D. No secondhand dealer, nor any other person or entity, shall cash checks upon the licensed secondhand dealer's premises.
- E. Secondhand dealers shall only purchase and sell secondhand goods. No secondhand dealer shall purchase or sell new merchandise or any pharmaceuticals, or over the counter health or beauty care or grooming products, upon the licensed secondhand dealer's premises.

§96-11. Seller to provide true information.

No person who sells or otherwise disposes of an item to a secondhand dealer shall fail or refuse to give:

- A. The individual's true name, date of birth and residence address, which shall be verified by a New York State Driver's License, New York State Non-Driver's Identification Card, police identification card or other means of identification approved by the Chief of Police; and
- B. If the individual is acting as an agent for a principal, proof of the principal's true name and address.

§96-12. Record of purchases and sales.

Every secondhand dealer shall keep a substantially bound book, not less than six (6) inches in either length or width, in which shall be legibly written in ink and in English at the time of every purchase or sale a description of every secondhand article so purchased, the number or numbers, any monograms, inscriptions or other marks of identification that may appear on the article, the name, date of birth, residence address, general description and signature of the person from whom such purchase was made, the date and time when the purchase was made, the purchase price, the tag number attached to each item, and the name of the employee who accepted the item. All such record books shall be open to inspection by any member of the Rochester Police Department during the hours of business operations. No entry in such book shall be erased, obliterated, altered or defaced and such book shall be maintained for a period of three (3) years from the date of the latest purchase or sale entry made therein. Every secondhand dealer shall also make and retain a copy of the identification card used to verify the identity of the person from whom the items were purchased and shall retain this copy in a separate book, register or electronic archive for two years from the date of purchase.

§96-13. Tagging items.

Every secondhand dealer shall at the time of purchase and until resale attach and keep affixed a properly numbered tag to, or otherwise keep legibly numbered, each secondhand article purchased and shall also make entry of such number in the book provided for in §96-12 and on the purchase receipt.

§96-14. Daily reporting requirements.

Each secondhand dealer shall submit to the Chief of Police a daily report of each purchase of secondhand goods that day. The report shall:

- A. Be for each item purchased or each group of substantially similar items purchased as part of a single transaction;
- B. Include the following information:

- (1) The date, place, and time of each transaction, including the location where the secondhand dealer purchased or re-

ceived the item or group of items;

- (2) A description of the item or group of items, including:
 - (a) The specific type and number of items;
 - (b) The manufacturer, model number and year of manufacture, if known, and any soundex number or unique identifying number found on the item;
 - (c) The color, size, style and approximate age;
 - (d) For jewelry (other than costume jewelry meeting standards set by the Chief of Police), a description by weight (if payment is based on weight), style, gender, number and configuration of stones and any initials or distinguishing marks or inscriptions;
 - (e) A statement of whether or not the item appears to have been altered by any means, including:
 - [1] Obscuring a serial number or identifying feature;
 - [2] Melting; or
 - [3] Recutting a gem; and
 - (f) The amount paid or other consideration.
- (3) For each individual from whom the secondhand dealer purchases an item the individual's name, date of birth, residence address and personal description of the person from whom the purchase was made and the date and time when the purchase was made, and the name of the employee purchasing the item. The identity of the seller shall be verified by use of a New York State driver's license or New York State non-driver identification card, police identification card or other means of identification approved by the Chief of Police, and the license or identification card number shall also be recorded in the record with the other identifying information.

§96-15. Computerized reporting of daily report.

- A. From and after the date called for by the phase-in schedule in subsection C, every secondhand dealer except those exempted by operation of subsection D shall, before 12:00 Noon of each day, transmit to the Chief of Police by means of electronic transmission through a modem or similar device or delivery of a computer disk, in such a format that the data are capable of di-

rect electronic entry into the Rochester Police Department's computerized system for identifying and tracing lost, stolen and sought-after property, the information required by §96-14 to be recorded concerning all transactions in which the secondhand dealer purchased secondhand goods the preceding day.

- B. The Chief of Police shall by rule establish the format and requirements of the transmission of data and may by rule restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission under subsection A shall not be reported on paper forms unless the Chief of Police so requests. Each secondhand dealer shall pay a fee of twenty-five cents (\$.25) per transaction required to be electronically reported if the electronic report transmitted to the Chief of Police is erroneous, duplicative or in an incorrect or incompatible format, or if no electronic report of the transaction is transmitted, in addition to being subject to a ticket and fine for failing to submit a daily report pursuant to this chapter.
- C. Secondhand dealers shall report their transactions electronically to the Chief of Police as required by subsections A and B from and after the following dates:
 - (1) For each secondhand dealer's business for which a secondhand dealer's license is first obtained on or after June 1, 2011, effective upon commencing business or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
 - (2) For each other secondhand dealer's business for which a secondhand dealer's license was first obtained before June 1, 2011, not later than June 1, 2011 or one (1) month after the effective date of the initial rules adopted pursuant to subsection B, whichever is later;
 - (3) The Chief of Police may for good cause shown grant a secondhand dealer an extension of the otherwise applicable deadline to a date not later than November 1, 2011. An extension may only be granted upon written application by the secondhand dealer, upon a showing that the secondhand dealer is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission, and upon agreement by the secondhand dealer to pay to the City a fee of twenty-five cents (\$.25) per transaction reported after the otherwise applicable deadline to offset the Rochester Police Department's costs in converting the data from paper format into electronic form.
- D. If, after establishing the format and require-

ments for the transmission of computerized reports of transactions the Chief of Police alters the required format, secondhand dealers shall be given at least thirty (30) days to comply with the new format requirements.

§96-16. Holding requirements.

- A. No secondhand dealer shall permit any item which has been purchased or received by him or her to be sold, defaced or broken down until fifteen (15) days have elapsed after the giving of the notice of purchase of such article as required in §96-14.
- B. After the initial holding period required by subsection A of this section, a secondhand dealer shall continue to hold an item if:
 - (1) The Rochester Police Department requests that the secondhand dealer hold the item; and
 - (2) The Rochester Police Department has reasonable cause to believe that the item has been stolen; and
 - (3) The item has not been identified under §96-17.
- C. If an item is placed on additional police hold under this subsection, the secondhand dealer shall:
 - (1) Continue to hold the item until:
 - (a) The police seize it;
 - (b) The Police Department releases the police hold or directs the item to be released to its owner; or
 - (c) 90 days after the additional police hold was imposed.
 - (2) If requested to do so, submit to the Police Department a photograph of the item, either by electronic transmittal or by mail or hand delivery, by the same deadline as required by §96-15.

§96-17. Release of stolen property.

- A. A secondhand dealer shall release to the Police Department any item in the secondhand dealer's possession:
 - (1) If the item is established to be stolen;
 - (2) The owner of the item or the victim of the theft has positively identified the item and provided an affidavit of ownership and made a report of the theft to a law enforcement agency;
 - (3) The stolen property report describes the item by one (1) or more of the following: date, initials, an insurance record, a photograph, a sales receipt, a serial

number, specific damage, a statement of facts that show the item is one of a kind or a unique engraving; and

- (4) The secondhand dealer is given a receipt for the item released.

- B. When the police no longer need an item for evidence, it shall be returned to the owner.
- C. A secondhand dealer who is required to release an item under this section is not entitled to demand, or to condition the release on, any reimbursement from the Police Department, the owner of the item or the victim of the theft.

§96-18. Promulgation of rules and regulations.

The Chief of Police shall, consistent with the express standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms as are in the Chief of Police's opinion necessary to effective administration and enforcement of the provisions of this chapter. These interpretations, rules, regulations and forms shall be available to the public at the License Clerk's Office. Such rules, regulations and forms shall be effective upon filing with the City Clerk as a communication to the City Council.

§96-19. Transfer of license.

- A. Secondhand dealer's licenses shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new secondhand dealer's license shall be required. A secondhand dealer's license shall not be transferred to any person who holds power of attorney.
- B. A secondhand dealer's license shall be deemed null and void when the licensee is not found operating the business for a period of one (1) month and fails to respond in person to the Chief of Police or his or her designee after having been sent a seven (7) day notification letter.

§96-20. Denial of license.

- A. The Chief of Police may deny a license or deny the renewal of a license to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter or who makes a material misrepresentation on the license application. The Chief of Police shall give a written notification to an applicant of the reasons for the denial of a license.
- B. When the investigation conducted pursuant to §96-3 reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Chief of Police may authorize the issuance of a conditional

license. The conditional license shall state the grounds for the conditional license, the conditions under which the applicant shall operate his or her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional license, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional license.

- C. The Chief of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

§96-21. Inspection of secondhand dealer's records and items.

A secondhand dealer shall allow a law enforcement officer, acting in the line of duty, to enter the premises during business hours and inspect any record of transactions subject to this chapter and any items on the premises.

§96-22. Additional regulations; penalties for offenses.

- A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in §13A-11 of the Municipal Code.
- B. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- C. Violations of the licensing provisions of this chapter may be enforced pursuant to Chapter 68 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- D. The Chief of Police shall revoke, without a hearing, the license of any person found guilty of five (5) or more violations of this chapter during any period of two (2) years. Nothing herein shall prevent the Chief of Police from revoking a license of any person with fewer than five (5) violations, on written charges and an opportunity for a hearing thereon, pursuant to §68-10 of the Municipal Code.

§96-22. Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this chapter are declared to be severable.

Section 2. This ordinance shall take effect on June 1, 2011.

Held in Committee.

By Councilmember Palumbo
January 25, 2011

To the Council:

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

Int. No. 7 - Authorizing Agreements For The Home Buyer Training Program

Int. No. 8 - Authorizing An Agreement For The Home Rochester Program

Int. No. 19 - Authorizing An Agreement For The Straub Street Revitalization Project

The following entitled legislation is being held in Committee:

Int. No. 20 - Authorizing The Sale Of 116 West Main Street To Further The Cascade Area Urban Renewal Plan

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-4
Re: Agreements and Appropriations -
Home Buyer Training

Transmitted herewith for your approval is legislation authorizing agreements for services related to the Home Buyer Training program and appropriating \$50,000 from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion Fund (Homebuyer Training Account) of the 2010-11 HOME Program to partially fund the cost of the agreements. The aggregate cost of the agreements will not exceed \$73,219; the remaining cost of \$23,219 will be funded from the 2009-10 City Development Fund. The following organizations will provide training services at a cost of \$350 per pre-purchase session and \$150 per post-purchase session:

NeighborWorks Rochester
570 South Avenue 14620

The Urban League of Rochester, N.Y.
265 N. Clinton Avenue 14605

Providence Housing Development Corp.
1136 Buffalo Road 14624

Marketview Heights Association
305 North Street 14605

In September, 2010, a request for proposals was posted on the City's web site. Five proposals were received and reviewed by a team of departmental staff. Based on experience, qualifications and a complete proposal, four organizations were chosen to provide services.

These four providers will provide pre- and post-purchase training to all recipients of City closing cost grants, estimated at 146 for the term of the six-month agreements.

This legislation supports the City's Housing policy objective to promote home ownership. A program description is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-3

Ordinance No. 2011-4
(Int. No. 7)

Authorizing Agreements For The Home Buyer Training 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 NeighborWorks, The Urban League of Rochester, NY, Inc., Providence Housing Development Corporation, and the Marketview Heights Association to implement the Home Buyer Training Program.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$73,219, and of said amount, or so much thereof as may be necessary, \$50,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Home Buyer Training Account) of the 2010-11 HOME Program and \$23,219 shall be funded from the 2009-10 City Development Fund.

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. 2011-5
Re: Home Rochester Program

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

be funded from 2008-09 Cash Capital.

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

RHDFC will administer the distribution of subsidies (each averaging \$20,000) for the acquisition and rehabilitation of approximately ten vacant structures by participating developers. Developers include the Urban League of Rochester Economic Development Corporation, PathStone, and the following CHDOs: Marketview Heights Association; NCS Community Development Corporation; Group 14621; North East Area Development; Isla Housing and Development Corporation; South Wedge Planning Committee; and the Ibero-American Development Corporation.

Home Rochester properties traditionally are available to families who earn less than 80% of the median family income (MFI). The funds allocated through this agreement will allow the program to market properties to families with incomes between 80% and 120% of the MFI. All purchasers are required to attend pre- and post-purchase home-buyer training classes and to reside in the properties for a minimum of ten years.

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

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-5
(Int. No. 8)

Authorizing An Agreement For The Home Rochester Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for housing development subsidies through the Home Rochester Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$210,000, and said amount, or so much thereof as may be necessary, shall be funded from the 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. 2011-6
Re: Agreement - NCS Community
Development Corporation, Dewey
Driving Park Focused Investment
Strategy, Straub Street

Transmitted herewith for your approval is legisla-
tion establishing \$93,000 as maximum compensa-
tion for an agreement with NCS Community De-
velopment Corporation (NCS) to design and im-
plement improvements to properties in the Dewey
Driving Park Focused Investment Strategy Area
(DDP FIS). These improvements are part of the
Straub Street Revitalization Project, included in the
DDP FIS. The cost of the agreement will be fund-
ed from the 2008-09 (\$9,620) and 2009-10
(\$38,380) City Development Funds, and the
Neighborhood and Asset Based Planning Fund of
the 2009-10 Community Development Block Grant
(\$45,000).

This is the first initiative within the FIS to work
with a local development corporation to compre-
hensively address a single block and fill gaps in
existing general FIS programs. Current efforts in
the project area include: marketing existing FIS
programs for exterior residential rehabilitation to
property owners; using the City's private demoli-
tion process to address blighted properties; through
Action for a Better Community, developing a
Straub Street block club; and conducting targeted
code enforcement. Enhanced street lighting is also
being considered.

The agreement with NCS will complement these
efforts by including the following activities that are
ineligible under existing FIS programs:

- Architectural services to design streetscape
and individual property enhancements to all
sixteen properties in the Straub Street Revital-
ization area.
- Rehabilitation of 289 Driving Park, a vacant
structure that is being renovated as commer-
cial space to house NCS staff.
- Demolition of the structure at 23 Straub Street
and the redevelopment of this lot as parking
and attractive landscaping for 289 Driving
Park.
- Landscaping and improvements to the park-
ing lot at 275 Driving Park, the current NCS
office building.

NCS is bringing \$120,400 to this project in New
York State grant sources and private equity.

The budget for the project is as follows:

<u>Sources</u>	
CDBG	\$ 45,000
CDF	48,000
NCS Equity/Grants	120,400
Total	\$213,400

<u>Costs</u>	
Architectural services	\$ 35,000
Rehab of 289 Driving Park	133,500
Demolition and redevelopment of 23 Straub Street	32,400
Improvements to 275 Driving Park	12,500
Total	\$213,400

Completion of this project is anticipated in Decem-
ber 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-4

Ordinance No. 2011-6
(Int. No. 19)

**Authorizing An Agreement For The Straub
Street Revitalization Project**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with NCS Community
Development Corporation to design and implement
improvements to properties in the Dewey Driving
Park Focused Investment Strategy Area through the
Straub Street Revitalization Project.

Section 2. The agreement shall obligate the City
to pay an amount not to exceed \$93,000, and of
said amount, or so much thereof as may be neces-
sary, \$45,000 is hereby appropriated from the Im-
proving the Housing Stock and General Property
Conditions allocation of the 2009-10 Community
Development Program, \$9,620 shall be funded
from the 2008-09 City Development Fund and
\$38,380 shall be funded from the 2009-10 City
Development Fund.

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

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

Passed unanimously.

Councilmember Palumbo moved to discharge
Introductory No. 20 from Committee.

The motion was seconded by Councilmember
Spaull.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmember Conklin,
Haag, McFadden, Miller, Ortiz, Palumbo, Scott,
Spaull - 9.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-7
 Re: Sale and Redevelopment -
 116 West Main Street

Transmitted herewith for your approval is legislation authorizing the sale of 116 West Main Street to Plymouth Terrace, LLC (principal: John Summers) for the sum of one dollar (\$1.00) for redevelopment as market-rate housing.

This City-owned property is located at the northwest intersection of West Main Street and North Plymouth Avenue in the Cascade Area Urban Renewal District. The site, approximately 1.5 acre, is currently used as a surface parking lot and is bounded by West Main Street on the south, Scott Alley on the west, Allen Street on the north and North Plymouth Avenue on the east. It is surrounded primarily by commercial and institutional development (see attached map).

As part of the City's continuing revitalization of Center City, a request for proposals for the purchase and redevelopment of the site was issued on November 9, 2009, published in the *Democrat & Chronicle*, posted on the City's website, and sent directly to area developers. Proposals were received from two developers: DHD Ventures (Tom Masaschi) and Graywood Development (John Summers). The proposal submitted by Graywood Development was selected based on the proposed development program, economic impact, and the financial strength of the proposal.

The proposal includes 24 market-rate 2.5-story townhomes with detached 2-car garages, and commercial development along West Main Street. Each townhome will be approximately 1,850 square feet; slightly larger end-units may be built as the market allows. The commercial development along West Main Street will include a minimum two-story building with a potential mix of office and/or retail space with parking.

The City will retain a portion of the site (approximately 3,600 square feet) to be dedicated at a future date as right-of-way, which will connect North Plymouth Avenue to Scott Alley and will be in approximate alignment with Church Street to the east. Accordingly, the development site to be sold will be divided into two segments (north and south) with each segment consisting of multiple parcels as per the proposed subdivision map (see attached subdivision plan).

To accommodate a phased development approach, the City will sell the entire parcel, then lease back for one dollar (\$1.00) annually any portion of the property that is not immediately needed for construction and/or construction staging, in order to continue existing parking operations on the site. All revenue from continued existing parking operations will go to the City.

The sources and uses of funds for the project are as follows:

USES:	\$ 4,240,000	Construction costs
	<u>1,260,000</u>	Soft costs
	\$5,500,000	Total

SOURCES: \$5,500,000 Developer equity

The appraised value of 116 West Main Street is \$1,176,000. The purchase price of \$1.00 reflects:

1. Reduction of the cost of development to keep the project economically feasible. Existing conditions on the site will require the developer to incur significant costs associated with environmental and geotechnical remedial measures in order to complete the project. In addition, while development of new owner-occupied market rate residential units in Center City is consistent with the City's housing market study recommendations, sale prices for such units do not currently support the associated construction costs.

Assuming a land purchase of \$1,176,000 and four years to complete and sell the townhomes, a return on investment would not be realized within the first 12 years.

2. The retention of the 3,600 square foot parcel on the site by the City for future right-of-way.

In addition to the reduced purchase price of the property, it is anticipated that the Core Housing Owner Incentive Exemption (CHOICE) property tax abatement program will be utilized by owners of the townhomes.

To support the new development, the City will fund improvements associated with restoration work within existing public right-of-way adjacent to the development site. The funding source for this work is from previously appropriated Cash Capital.

Economic benefits of the project include:

- Increasing market-rate residential opportunities in Center City
- Increasing owner-occupied residential units in Center City
- Redevelopment of underutilized land in Center City
- Incremental property tax revenue on existing City-owned property
- Increasing commercial development and job creation along West Main Street
- Stabilization of an historic district within Center City

Construction is expected to begin in Spring of 2011, with the first phase of development to be completed within 18 months.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that

the proposed sale will not result in any significant impacts. A negative declaration has been issued.

A public hearing on the sale is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-5

Ordinance No. 2011-7
(Int. No. 20)

Authorizing The Sale Of 116 West Main Street To Further The Cascade Area Urban Renewal Plan

WHEREAS, the City of Rochester (hereinafter called "City") has received a proposal from Plymouth Terrace, LLC (hereinafter called "Redeveloper"), for the purchase and redevelopment of 116 West Main Street, as subdivided (hereinafter called the "Parcel") in the Cascade Area Urban Renewal Project, for commercial and residential development; and

WHEREAS, the City desires to sell said Parcel to the Redeveloper for the sum of \$1.00 in accordance with Section 507(2)(d) of the General Municipal Law of the State of New York, as amended; and

WHEREAS, the appraised value of \$1,176,000 for said Parcel is being reduced for the sale in order to support the development of new owner-occupied market rate housing in the Center City and to recognize the significant costs associated with environmental and geotechnical remedial measures needed in order to complete the development and the City's retention of a strip in the center of the Parcel. The sale will also result in the development of underutilized Center City land, provide tax revenue and job creation, develop commercial uses along West Main Street, and stabilize this historic district; and

WHEREAS, the City shall retain a strip of land in the middle of the parcel of approximately 3,600 square feet for right-of-way purposes to connect North Plymouth Avenue to Scott Alley in approximate alignment with Church Street to the east; and

WHEREAS, the City shall lease back for the sum of \$1.00 any portion of the Parcel not immediately needed for construction and/or construction staging in order to continue existing parking on the site, with all parking revenues going to the City; and

WHEREAS, the Redeveloper has been found to be a qualified and eligible sponsor to carry on the redevelopment by the Rochester Urban Renewal Agency.

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

Section 1. The Council hereby approves the sale of 116 West Main Street, SBL #121.22-1-55, as

subdivided, to Plymouth Terrace, LLC for the sum of \$1.00, to further the objectives of the Cascade Area Urban Renewal Plan. The City shall retain a strip of land in the middle of the parcel of approximately 3,600 square feet for right-of-way purposes to connect North Plymouth Avenue to Scott Alley in approximate alignment with Church Street to the east. The Mayor is authorized to lease back for the sum of \$1.00 any portion of the Parcel not immediately needed for construction and/or construction staging in order to continue existing parking on the site, with all parking revenues going to the City. The lease shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
January 25, 2011

To the Council:

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

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

Int. No. 10 - Establishing Maximum Compensation For A Professional Services Agreement For The North Union Street Railroad Bridge Project

Int. No. 11 - Appropriation Of Funds For Clean-up Of The Former Phototech Imaging Site

Int. No. 12 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Rhinos Stadium Project

Int. No. 13 - Authorizing An Agreement With The County Of Monroe For Pavement Signs And Markings

Int. No. 14 - Establishing Maximum Compensation For A Professional Services Agreement For A Traffic Flow Conversion Study And Amending The 2010-11 Budget

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

Int. No. 15 - Approving A Change In The Traffic Flow Of Kirley Alley From Two-Way To One-Way Eastbound

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-3
Re: Appointment - Downtown
Enhancement District
Advisory Committee

Transmitted herewith for your approval is legislation confirming the reappointment of the following six members to the Downtown Enhancement District Advisory Committee, whose terms expired December 31, 2010.

<u>Name</u>	<u>Affiliation</u>
Chris Hill	I. Gordon Corporation 28 E. Main St., 14614
Lawrence Davies	JP Morgan Chase Bank One Chase Square, 14604
James Costanza	Temple Building 14 Franklin St., Suite 1122, 14604
Eileen Broderick	Conifer Realty 183 E. Main St, 14604
Wes Plant	Thompson Legal Regulatory 50 Broad St. East, 14694
Richard Calabrese	Times Square Building 45 Exchange Blvd., 14614

The new terms for these members will extend to December 31, 2012.

The committee was established as part of a local improvement assessment district established in 1989. Member properties in the district are assessed a fee to fund enhanced services. The committee is responsible for: monitoring the performance of district services; reviewing the annual budget for the district prepared by the Mayor; and making 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 as well as owners and tenants.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2011-3
(Int. No. 9)

**Resolution Approving Reappointments To
The Downtown Enhancement District Advisory
Committee**

BE IT RESOLVED, by the Council of the City

of Rochester as follows:

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

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Chris Hill	I. Gordon Corporation	12/31/12
Lawrence Davies	JP Morgan Chase Bank	12/31/12
James Costanza	Temple Building	12/31/12
Eileen Broderick	Conifer Realty	12/31/12
Wes Plant	Thompson Legal Regulatory	12/31/12
Richard Calabrese	Times Square Building	12/31/12

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-8
Re: Agreement - Stantec Consulting
Services, Inc., North Union Street
Rails-to-Trails Project

Transmitted herewith for your approval is legislation establishing \$98,900 as maximum compensation for an agreement with Stantec Consulting Services, Inc. for engineering design services for the North Union Street RR Bridge "Rails-to-Trails" Conversion Project.

The abandoned, City-owned bridge will be converted into a multi-use, single lane connection from the Hebard and Trinidad Streets parking lots to the Public Market; it will also connect the Market to points further west on Scio Street and Portland Avenue. The acquisition of the property was authorized by Council in September 2010 (Ordinance No. 2010-320).

This pathway will allow passenger shuttles and pedestrians to cross over the bridge, avoiding the street crossings at the intersection of North Union Street and Trinidad Street, and will enhance the overall aesthetics of the Public Market and surrounding neighborhoods.

Proposals for planning and design services were solicited from 18 firms. Eight firms responded: Bergmann Associates, P.C.; Clark Patterson Lee; Fisher Associates; T.Y. Lin International; Hunt Engineers, Architects and Land Surveyors, P.C.; Lu Engineers; LaBella Associates P.C.; and Stantec Consulting Services, Inc. Proposals were rated by department staff, and Stantec was selected based on their qualifications, assigned personnel, overall familiarity and expertise with the scope of the

planned work.

Stantec Consulting Services will provide engineering design services including preliminary planning, final design documents, specifications, and estimates for the bridge conversion and multi-use trail alignments at each approach. The cost of the agreement will be financed from 2008-09 (\$45,600), 2009-10 (\$33,300) and 2010-11 (\$20,000) Cash Capital allocations of the Department of Recreation and Youth Services (Public Market).

The estimated cost of construction is \$900,000. Initial planning and preliminary design will begin in February 2011, with an anticipated construction completion date of November 2011.

Authorization for project construction inspection services will be requested at a later date.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-8
(Int. No. 10)

Establishing Maximum Compensation For A Professional Services Agreement For The North Union Street Railroad Bridge Project

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

Section 1. The sum of \$98,900, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design services for the North Union Street Railroad Bridge "Rails-To-Trails" Conversion Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$45,600 shall be funded from the 2008-09 Cash Capital allocation, \$33,300 shall be funded from the 2009-10 Cash Capital allocation and \$20,000 shall be funded from the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-9
Re: Appropriation of US Environmental Protection Agency Grant Funds - Environmental Cleanup, 1000 Driving Park Avenue

Transmitted herewith for your approval is legislation appropriating \$200,000 of United States Environmental Protection Agency (USEPA) Brownfield Redevelopment cleanup grant funds. A portion of these funds, \$160,000, will be used to partially

finance the costs of the cleanup of the brownfield site (formerly Photech Imaging) at 1000 Driving Park Avenue. The remaining \$40,000 will be used to reimburse the City staff and supply costs related to the project.

The Department of Environmental Services is managing the demolition and cleanup process at the former Photech site. The original bond appropriation for the project was approved in June 2006 (\$1,714,074). Demolition of buildings on-site was completed in September 2010. Subsurface environmental cleanup is scheduled to be completed in Fall 2011. Environmental cleanup of the site is required to prepare the 12.2 acre site for commercial or industrial redevelopment.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-9
(Int. No. 11)

Appropriation Of Funds For Cleanup Of The Former Photech Imaging Site

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

Section 1. The sum of \$200,000 is hereby appropriated from United States Environmental Protection Agency Brownfield Redevelopment Cleanup Grant Funds to finance a portion of the City costs and Bond Ordinance No. 2006-151 for the cleanup of the former Photech Imaging Site at 1000 Driving Park Avenue.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-10
Re: Amendatory Agreement - Populous Architects P.C., Rochester Rhinos Stadium Construction Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Populous Architects P.C. for additional architectural design services related to construction of the Rochester Rhinos Stadium. This amendment will increase the amount of the agreement by \$19,100 to a total of \$349,100. The original agreement was authorized in September 2008 (Ord. No. 2008-325) and amended in September 2009 (Ord. No. 2009-296).

The additional consultant fee is for added time required to complete the project as a result of the extensive value engineering necessary to bring the project within budget, as well as to investigate a warranty issue.

The agreement is funded from the \$4,000,000

Dormitory Authority of the State of New York (DASNY) grant for stadium purposes. Revised expenses under the grant are as follows:

<u>Firm</u>	<u>Purpose</u>	<u>Original Amount</u>	<u>Final Amount</u>
Populous Architects, PC	Engineering design	\$ 300,000	\$ 349,100
LeChase	Construction/construction management	3,700,000	3,451,045
Dant Clayton	Load verification	0	6,500
Various vendors	Furniture, fixtures and equipment	0	191,146
SJB Services	Material testing	0	2,209
		<u>\$4,000,000</u>	<u>\$4,000,000</u>

Construction of the press box and build-out of suites was completed in May 2010. The remaining furniture, fixtures and equipment and construction budgets will be used to construct team locker rooms, the final stage of the project, which will be completed by fall 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-10
(Int. No. 12)

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 \$19,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and 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. 2011-11
Re: Agreement - Monroe County,

Transportation Signage

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the provision of transportation signs and markings for roads within the City. This agreement will supersede the 1991 pavement markings agreement with Monroe County (Ord. No. 91-129).

This agreement will allow the City to utilize the County Department of Transportation, upon request, for the installation of pavement markings, and fabrication and installation of traffic signage. Signage is related to traffic control features not currently incorporated under the 1971 traffic agreement with the County. The cost for these services shall be provided at specific unit prices.

The term of the proposed agreement is five years, with five additional five-year extensions upon written confirmation of continued participation by the City and County Departments of Environmental Services.

This agreement is not inclusive of wayfinding signage; separate authorization for an agreement with the County will be sought in spring 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-11
(Int. No. 13)

Authorizing An Agreement With The County Of Monroe For Pavement Signs And Markings

BE IT 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 transportation signs and markings for roads within the City. The agreement shall extend for a term of five years, with five additional five-year extensions upon mutual consent, and shall replace the agreement authorized by Ordinance No. 91-129.

Section 2. The agreement shall obligate the City of Rochester to pay unit prices as approved by the City Engineer. Said amounts shall be funded from annual Budgets of the Department of Environmental Services, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-12
Re: Agreement - The Laberge Group,
Clinton Avenue and St. Paul
Street/South Avenue Two-Way
Conversion Study

Transmitted herewith for your approval is legisla-
tion related to the North/South Clinton Avenue and
St. Paul Street/South Avenue Two-Way Conver-
sion Study. This legislation will:

1. Establish \$65,000 as maximum compensation
for an agreement with The Laberge Group,
Albany, NY, for planning and traffic engi-
neering services;
2. Amend the 2010-11 Budget by transferring
\$5,000 from Contingency to Cash Capital to
fund the local share of the agreement; and
3. Appropriate \$60,000 in anticipated reim-
bursements of Federal Highway Administra-
tion Planning funds received through a grant
from the Genesee Transportation Council
(GTC) to fund the remainder of the agree-
ment.

This study will determine the feasibility of convert-
ing St. Paul Street/South Avenue and North/South
Clinton Avenue between Byron Street and the Inner
Loop Expressway/Cumberland Street to two-way
traffic to improve neighborhood accessibility and
walkability. The Laberge Group will analyze exist-
ing multi-modal traffic conditions, forecast future
conditions, and ultimately produce a draft concept-
level plan for implementation including necessary
traffic signal modifications, roadway geometric
changes, parking impacts, bicycle/pedestrian en-
hancements, and related costs.

A request for proposals was published in the New
York State Contract Reporter, and resulted in six
responses: C&S Companies; The Laberge Group;
Passero Associates; Stantec Consulting, Inc.; T.Y.
Lin International; and The Cecil Group. Proposals
were reviewed by City staff as well as representa-
tives from Monroe County, RGRTA, and GTC.
Based on the qualifications and technical expertise
of the firm and its personnel as well as the pro-
posed approach to the project, The Laberge Group
was selected.

Using the American Reinvestment and Recovery
Act (ARRA) guideline of \$92,000 as the value of
one job created or retained, this project will result
in 0.7 jobs.

Planning and engineering services will begin in
Winter 2011 with scheduled completion in Winter
2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-6

Ordinance No. 2011-12
(Int. No. 14)

**Establishing Maximum Compensation For A
Professional Services Agreement For A Traffic
Flow Conversion Study And Amending The
2010-11 Budget**

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

Section 1. The sum of \$65,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for a professional
services agreement between the City and The
Laberge Group for planning and traffic engineering
services for the North/South Clinton Avenue and
St. Paul Street/South Avenue Two-Way Conver-
sion Study. Of said amount, \$5,000 shall be funded
from the 2010-11 Cash Capital allocation and
\$60,000 is hereby appropriated from anticipated
reimbursements from the Federal Highway Admin-
istration received through a grant from the Genesee
Transportation Council.

Section 2. Ordinance No. 2010-188, the 2010-
11 Budget of the City of Rochester, as amended, is
hereby further amended by transferring the sum of
\$5,000 from the Contingency Account to the Cash
Capital allocation to fund the agreement.

Section 3. This ordinance shall take effect im-
mediately.

Passed unanimously.

Councilmember Miller moved to return Introducto-
ry No. 15 to Committee.

The motion was seconded by Councilmember
Haag.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 15
Re: Authorizing a Traffic Flow Change -
Kirley Alley Eastbound One-Way

Transmitted herewith for your approval is legisla-
tion authorizing a change in the direction of traffic
flow on Kirley Alley between Alexander Street and
Walton Street from two-way traffic to one-way
eastbound traffic.

The Kirley Alley eastbound one-way is requested
as a traffic safety measure by residents whose park-
ing is accessed via the alley. Kirley Alley is too
narrow to safely accommodate two-way traffic. The
change to eastbound one-way was endorsed by the
City's Traffic Control Board at its December 7,
2010 meeting.

A public hearing on the change in traffic flow is

required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 15

**APPROVING A CHANGE IN THE TRAF-
FIC FLOW OF KIRLEY ALLEY FROM
TWO-WAY TO ONE-WAY EASTBOUND**

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

Section 1. The Council hereby approves a
change in the traffic flow of Kirley Alley between
Alexander Street and Walton Street from two-way
to one-way eastbound.

Section 2. This ordinance shall take effect im-
mediately.

Held in Committee.

By Councilmember McFadden
January 25, 2011

To the Council:

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

Int. No. 16 - Authorizing An Application And
Agreement For The Motor Vehicle Theft And
Insurance Fraud Prevention Program And Amend-
ing The 2010-11 Budget

Int. No. 17 - Authorizing An Application And
Agreement For The Juvenile Accountability Con-
ferencing Program

Int. No. 18 - Authorizing An Application And
Agreement For The STOP Violence Against Wom-
en Program

The following entitled legislation is being held in
Committee:

Int. No. 21 - Amending Chapter 99 Of The Mu-
nicipal Code, Relating To Shooting Ranges

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-13,
Ordinance No. 2011-14 and
Ordinance No. 2011-15

Re: NYS Division of Criminal Justice
Services Grants

Transmitted herewith for your approval is legisla-
tion authorizing agreements with the New York
State Division of Criminal Justice Services (DCJS)
for the application for, and receipt and use of grants
totaling \$137,110, under the following programs,
and amending the 2010-11 Budget by \$22,000 to
reflect a portion of these funds.

Motor Vehicle Theft and Insurance Fraud Preven-
tion (MVTIFP) January 1 - December 31, 2011

MVTIFP provides \$44,336 for the reduction of
auto theft and insurance fraud and supports Police
Department deployment in high theft areas and
increased investigations of insurance fraud. The
grant will also be used to train police officers in
specialized anti-theft techniques and technology.
The previous MVTIFP award was authorized by
City Council in January 2010. During the last grant
period, there were over 1900 investigations of auto
theft opened, with over 620 arrests made and over
\$620,000 in stolen vehicles recovered. No local
match is required for this grant.

An amendment to the 2010-11 Budget of the Police
Department of \$22,000 is required to reflect the
prorated amount of the grant for this fiscal year.
The remaining funds will be included in the pro-
posed 2011-12 Budget of the Police Department.

Juvenile Accountability Block Grant (JABG) Janu-
ary 1 - December 31, 2011

JABG provides \$13,933 under the Balanced and
Restorative Justice program and will be used to
continue the Juvenile Accountability Conferencing
Program. The Program evaluates juvenile offend-
ers for eligibility for diversion, and enables the
juveniles to make amends to the victims and the
community. This is the 13th year of JABG fund-
ing. The previous award was authorized in January
2010. The recidivism rate for the most recent grant
period during which over 100 youth participated, is
approximately 9% - one of the lowest in the coun-
try. The grant and required 10% local match were
anticipated in the 2010-11 budget, thus no budget
amendment is required.

Stop Violence Against Women Act (VAWA) Janu-
ary 1 - December 31, 2011

The VAWA award of \$78,841 is an increase of
approximately 10% over last year. The program
helps ensure the immediate safety of victims of
domestic violence and helps them find safe hous-
ing. Services include contacting victims prior to
the arraignment of the perpetrators, and offering
legal advocacy and follow-up services to ensure
their continued safety. Over 500 domestic violence
victims in high-risk targeted police patrol areas and
over 150 domestic violence victims who are identi-
fied by reviewing Domestic Violence Incident
Reports have been helped during the past year. The
funding partially reimburses the cost of three coun-
selors and support costs in the Family and Victim
Services Section of the Police Department. This is
the City's 12th year of funding. The previous
award was authorized in January 2010. The fund-
ing under this program was anticipated in the 2010-

11 Budget, thus no budget amendment is needed. No local match is required.

Ordinance No. 2011-15
(Int. No. 18)

Respectfully submitted,
Thomas S. Richards
Mayor

Authorizing An Application And Agreement For The STOP Violence Against Women Program

Ordinance No. 2011-13
(Int. No. 16)

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

Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2010-11 Budget

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the 2011 STOP Violence Against Women Program.

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 2011 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 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.

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$22,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Section 4. This ordinance shall take effect immediately.

Introductory No. 21
Re: Municipal Code Amendment -
Shooting Ranges

Passed unanimously.

Transmitted herewith for your approval is legislation amending the Municipal Code to revise licensing provisions related to Shooting Ranges. While there are currently no existing shooting ranges in the city, Chapter 99 which covers the licensing of them has not been updated in many years, and is in need of updating to reflect advances in firearms and the shooting range industry.

Ordinance No. 2011-14
(Int. No. 17)

The proposed amendments overall are intended to ensure the safety of patrons of a shooting range as well as the general population who reside or do business in the vicinity of a facility. Included are the following:

Authorizing An Application And Agreement For The Juvenile Accountability Conferencing Program

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

- Banning outdoor shooting ranges. There are no sites within the city that would provide adequate space for safe operation.
- Requiring licenses for ranges and recordkeeping requirements.
- Requiring a certified Range Master, a Firearms Instructor, or a Range Safety Officer on site and actively in control of the shooting range whenever open to the public or the range is in use.
- Regulating the security, hours, location, safety and operation of shooting ranges to protect employees, patrons and nearby citizens.
- Regulating the weapons that can be used and requiring the proper permits.
- Requiring insurance of \$500,000.

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Block Grant (JABG) for the 2011 Juvenile Accountability Conferencing (JAC) 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.

- Making the license non-transferrable.
- Enhancing the requirements for licensing, including requiring the applicant to submit certified stamped drawings by licensed design professionals regarding containment, capacity, ventilation and sound.
- Requiring the submission of a detailed safety plan.

Referral of violations to the Municipal Code Violations Bureau, and the penalties provided therefore, require the approval of the City Court.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 21

AMENDING CHAPTER 99 OF THE MUNICIPAL CODE RELATING TO SHOOTING RANGES

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

Section 1. Chapter 99 of the Municipal Code, Shooting Galleries, as amended, is hereby further amended to read in its entirety as follows:

Chapter 99. SHOOTING RANGES.

§99-1. Definitions.

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

FIREARM - A handgun, rifle, shotgun or air gun, with the latter three as they are defined in §47-5 of the Code of the City of Rochester.

HANDGUN - Any commercially made pistol or revolver.

MACHINE GUN, SUBMACHINE GUN OR FULLY AUTOMATIC WEAPON - Unless a context otherwise requires, the terms mean a firearm, mechanism or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired there from at a rate of five (5) or more shots to the second.

NEGLIGENT DISCHARGE - The unintentional, abrupt discharge of a firearm by the person holding the gun when the sights are not imposed on the desired point of impact of the target.

SHOOTING RANGE - Any indoor place or range for shooting and discharging firearms at a target. Outdoor shooting ranges are prohibited in the City.

§99-2. License required.

No person or persons, firm or corporation shall maintain, operate or cause to be maintained or operated any shooting range, shooting gallery or target range as herein defined, unless such person, persons, firm or corporation shall first obtain a license to do so from the Chief of Police.

§99-3. Exempt ranges.

The provisions of this article shall not apply to shooting ranges not open to the public which are utilized solely for law enforcement and/or governmental purposes.

§99-4. Application.

A. An application for a shooting range license shall be made by the owner and operator, if other than owner, on forms provided by the Chief of Police and filed with the City Clerk. The application shall be signed and sworn to before a notary public or other official authorized to administer oaths in the City. It shall also require the following information:

- (1) The name, address and date of birth of the applicant and manager, if any, the names and addresses of all persons constituting a firm or partnership and, if a corporation, its principal place of business, the full name of such corporation, whether it is domestic or foreign, and the full name and address of all officers and directors thereof. Where the owner is not directly involved with the day-to-day operation of said business, the operator must also be included on the application. If a partnership, corporation or other business entity is involved, the application must designate an operator who is involved in the day-to-day operation of the business. All addresses of persons involved shall be home addresses, listing street and number.
- (2) The address of the premises for which a license is sought.
- (3) The type and caliber of arms proposed to be used along with certified, stamped drawings by a licensed design professional providing a description of the manner and plan for stopping and controlling bullets or other ammunition proposed to be used and ensuring that they be contained. This includes, but is not limited to: The backstop which should include the full width of the room, the sides of the room, ceiling and shooters' booths so as to prevent any interference between or among the person shooting at different targets. Upon renewal of a shooting range license, the licensee shall submit an inspection report from a licensed design professional certifying that the bullet containment system has been properly

maintained, is operating as designed, and is in compliance with the applicable Federal, State and local standards.

- (4) Submission of a certified report from a licensed design professional demonstrating that a positive flow ventilation system shall be installed prior to use and that such a system shall be adequate to remove contaminants in the air so as not to endanger the health of users, coaches, spectators or employees. This report shall include, but not be limited to: Low airflow sensors and that the supply and exhaust fans are synchronized. Upon renewal of a shooting range license, the licensee shall submit an inspection report from a licensed design professional certifying that the ventilation system has been properly maintained, is operating as designed, and is in compliance with the applicable Federal, State, and local standards.
- (5) Submission of a certified report from a licensed sound engineer that demonstrates that adequate noise baffling or buffering shall be installed to prevent injury to the hearing of unprotected persons outside of the area where firearms are actually being discharged and to prevent disturbance to the neighborhood surrounding the shooting range. Sound readings after the installation of the noise baffling or buffering shall be required as prescribed by the Chief of Police or his or her designee.
- (6) Whether the applicant has ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms within ten (10) years of the date of application.
- (7) Whether the applicant is a person prohibited from possessing firearms as provided by Article 265 of the New York State Penal Law.
- (8) Whether any ammunition or firearms will be sold or leased from the premises and, if so, a copy of any and all permits issued from the Federal Bureau of Alcohol, Tobacco and Firearms and a written plan explaining how compliance with §47-4 of the Code of the City of Rochester will be ensured.
- (9) Whether the applicant or any officer, manager or employee has previously been involved in the purchase or sale of a shooting range or gallery including outdoor ranges and galleries and, if so, the name of the business, its location and the dates of involvement.
- (10) The name, address and date of birth of any and all Range Masters, Firearm Instructors and/or Range Safety Officers.
- (11) Provide the hours of operation.
- (12) Submit a proposed, signed safety plan which includes, but is not limited to, sections that contain the operations checklist, identify and demonstrate compliance with all applicable Federal, State and local firearms laws, and contain the general, gun handling and safety rules for the range.
- (13) Applications shall only be accepted where all information requested has been supplied and verified for accuracy. Anyone currently serving a period of suspension or revocation, or who has had an application for a shooting range license denied, is ineligible to apply for a shooting range license during a period of suspension or for a period of one (1) year from the date of revocation or denial. The applicant(s) must also demonstrate to the Chief of Police that he or she has procured all necessary licenses and permits for the business.
- (14) Upon receipt of an application for a shooting range license, and after approval for Zoning Code compliance by the Director of Planning and Zoning, the Chief of Police shall cause an inspection to be made of the applicant's business premises to determine whether public safety problems exist, and the Chief of Police shall cause an investigation to be made of the background of the owner and operator of the business. Before the issuance of a license, the Chief of Police, and his or her representatives, shall have the right to enter upon such premises during normal business hours for the purpose of making inspections. After a license has been issued, further inspections of the premises, to ensure compliance with the laws, ordinances and rules and regulations relating to shooting range businesses, may be made in areas open to the public or other areas with consent, and the Chief of Police shall have the authority to seek warrants where the same are constitutionally required.
- (15) The Chief of Police shall cause an application to be administratively canceled if an application is not complete, if the applicant fails with respect to the business or business premises, upon receipt of written notice and time to cure, to abate code violations or to pay any outstanding judgments rendered by the Municipal Code Violations Bureau or to complete a building permit or zoning application.

- (16) Any changes in any facts or information required on said application occurring after filing thereof shall be reported by the licensee in writing to the Chief of Police within five (5) days of the change.
- (17) The applicant shall place his or her fingerprints on file with the Chief of Police.
- (18) Such applications shall further contain such additional information as the Chief of Police, in his or her discretion, shall deem necessary.

§99-5. Additional inspections.

The Fire Chief may cause an inspection of the premises to be made to determine whether the applicant is in compliance with the laws and ordinances which the Rochester Fire Department is charged with enforcing. The Fire Chief, and members of his or her staff, shall have the right to enter upon any premises for which a shooting range license is sought when the business is open for the purpose of making such an inspection of areas open to the public, or other areas with consent, and shall also have the authority to seek warrants where the same are constitutionally required.

§99-6. Bonds or insurance.

- A. Each application for a shooting range shall be accompanied by a certificate of liability insurance policy issued by an insurance company authorized to do business in New York State and shall be in full force and effect in the amount of \$500,000 for bodily injury to any one person; in the amount of \$500,000 for bodily injury to more than one person which were sustained in the same accident, and in the amount of \$500,000 for property damage resulting from one accident.
- B. Each liability insurance policy shall contain a clause obligating the insurer to give the City Clerk, by certified mail, at least ten (10) days written notification before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance or expiration of such policy without renewing it, however caused, the license of the shooting range in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy has been restored.

§99-7. Issuance of shooting range license.

- A. All new applications for a shooting range license, as of the effective date of this article, shall be issued or denied within thirty (30) days after a fully completed application has been accepted and an inspection has found the premises to be code compliant.

- B. The owner, operator and employees of any shooting range business shall be of good moral character and shall maintain good order on the business premises at all times.
- C. Except as provided in New York Correction Law, Article 23-A, the Chief of Police reserves the right to deny a shooting range license to any person who has pled guilty to or has been convicted of any crime which is related to the operation of the business.
- D. No shooting range license shall be issued unless the applicant and business have fully complied with the provisions of this article and have obtained all necessary licenses and permits for the operation. No shooting range license shall be issued to a premises while charges are pending pursuant to §3-15 of the City Charter, or while any other nuisance abatement proceeding or action is pending against the premises or owner or operator.
- E. No shooting range license shall be issued unless the business premise is in compliance with the Municipal Code.
- F. No shooting range license shall be issued to any business or applicant against whom judgment has been rendered by the Municipal Code Violations Bureau relating to the business or business premises, which judgment has not been satisfied.
- G. No shooting range license shall be issued for a period of one (1) year after the applicant has been found guilty of operating a business without a shooting range license.
- H. No shooting range license shall be issued unless the applicant can demonstrate compliance with §40 of the New York State Civil Rights Law.
- I. It shall be the duty of all holders of a shooting range license to notify the Chief of Police of any changes in information supplied on their license applications within twenty (20) days of such changes.

§99-8. Fee.

The annual fee for a license to conduct or operate a shooting range shall be \$350. Payment of the fee shall be due upon application for the license. There shall be a fee of \$10 for replacement of a lost license.

§99-9. Expiration of license.

All licenses issued under this chapter for a period exceeding thirty (30) days shall expire December 31 after issuance.

§99-10. Proper supervision.

- A. There shall be a certified Range Master, a Firearms Instructor or a Range Safety Of-

- ficer on site and actively in control of the shooting range whenever open to the public or the range is in use.
- B. Range Masters, Firearm Instructors or Range Safety Officers shall have been trained by and have a valid current certification from one of the following organizations:
- (1) FIREARMS INSTRUCTORS: National Rifle Association (NRA), New York State - Division of Criminal Justice Services (NYS-DCJS), International Association of Law Enforcement Firearms Instructors (IALEFI), Smith & Wesson Academy, SIG Arms Academy, any U.S. Federal Law Enforcement Agency (FBI, FLETC, ICE, USSS, ATF, USBP), any U.S. Military Agency (Army, Navy, Marines, Air Force, Coast Guard, National Guard).
 - (2) RANGE SAFETY OFFICERS: National Rifle Association (NRA), International Defensive Pistol Association (IDPA), International Practical Shooting Association (IPSC), United States Practical Shooting Association (USPSA).
 - (3) RANGE MASTER: SIG Arms Academy, Smith & Wesson Academy, Action Target Academy, any U.S. Military Agency and any Federal Law Enforcement Agency.
- C. Range Masters, Firearm Instructors or Range Safety Officers shall also:
- (1) Be a person of good moral character and be at least twenty-one (21) years of age.
 - (2) Not have ever been convicted of any felony involving violence or intimidation, or the use of firearms or any offense related to the use, control, possession or sale of firearms within ten (10) years of the date of application.
 - (3) Not be a person prohibited from possessing firearms as provided by Article 265 of the New York State Penal Law.
- D. There shall be at least one (1) Range Master, Firearms Instructor or Range Safety Officer for every five (5) shooters.
- E. Duties of a Range Master, Firearms Instructor or Range Safety Officer who is in charge of the range should include, but shall not be limited to, the following:
- (1) Has responsibility for the coordination, organization, direction and supervision of range activities and personnel;
 - (2) Conducts firearms training activities;
 - (3) Ensures the overall safety and efficient operation of the ranges;
 - (4) Coordinates range schedules;
 - (5) Enforces range safety rules and regulations;
 - (6) Interacts with local, state and federal authorities as needed;
 - (7) Assists in the sighting of firearms and the maintaining of proper firing positions;
 - (8) Administers written and shooting proficiency tests;
 - (9) Maintains complete records on individual shooters for safety and proficiency;
 - (10) Inspects, maintains and repairs firearms as needed;
 - (11) Maintains inventory of weapons and ammunition;
 - (12) Safely stores and issues firearms and ammunition as needed.
- §99-11. Operation of shooting ranges.
- A. There shall be furnished a railing not less than 2 1/2 feet from the face of the shooting counter and to extend the full width of the shooting unit and so constructed with gate that no one is admitted to the shooting counter but the shooter and attendant, the gate to swing away from the shooter.
 - B. No minors under the age of sixteen (16) years shall be permitted to handle or discharge any firearms upon the premises unless they qualify for one of the exemptions set forth in §265.20 of the New York State Penal Law. Persons under the age of eighteen (18) years utilizing the shooting range shall be accompanied and supervised by a parent or legal guardian.
 - C. The use of handguns shall not be permitted unless the shooter has a valid N.Y.S. Pistol Permit or falls under one of the exemptions set forth in §265.20 of the New York State Penal Law.
 - D. All doors, gates and entrances leading into that part of the premises between the firing point and the backstop shall be securely locked and alarmed and no person shall be permitted therein at any time persons are engaged in shooting or have access to the firearms used. Attendants and employees may, however, enter said part of the premises between the firing point and the backstop while shooting is not in progress.
 - E. No new shooting range shall be located nearer than 1,000 feet from any entrance to

any school, church or hospital or in any location which, in the opinion of the Chief of Police, will result in the annoyance of any nearby resident.

- F. All rented firearms shall be maintained in a safe, operational condition per initial manufacturer's specifications.
- G. A semi-monthly test must be made of all firearms rented and a certificate obtained from a New York State licensed gunsmith as to accuracy and operational safety of the guns. Certificates shall be maintained for three (3) years and available for inspection by any member of the Rochester Police Department.
- H. The ammunition used shall be smokeless. No black powder firearms shall be permitted.
- I. Such shooting range, as is licensed under this chapter, shall be open only between the hours of 9:00 a.m. and 11:00 p.m.
- J. The shooting range shall be properly and adequately ventilated at all times.
- K. Attendants shall wear a uniform brassard or other distinguishing mark to identify them as employees of the licensee.
- L. Before being employed, the fingerprints of all range employees shall be placed on file with the Chief of Police.
- M. No gambling, betting or wagering shall be permitted upon the premises, nor shall any licensee violate any law of the State of New York or ordinance of the City of Rochester in the maintenance and operation of the licensed premises.
- N. In the event that any person presents a handgun without a New York State pistol permit, a handgun that is not listed on the individual's New York State pistol permit, a firearm or assault weapon in violation of §47-5 of the Code of the City of Rochester, or an unlawful weapon as defined in Article 265 of the New York State Penal Law, at any shooting range, or any person acts in violation of §47-5 of the Code of the City of Rochester, it shall be the duty of the licensee, or his or her employee, agent or servant, to immediately report the incident by calling 911.
- O. Premises used for a shooting range or gallery shall be kept in a clean and sanitary condition.
- P. No smoking shall be allowed within the shooting range or gallery.
- Q. No alcoholic beverages shall be possessed or consumed on the premises and no person under the influence of alcohol, mind-altering

drugs, or controlled substances as defined by Article 220 of the New York State Penal Law, shall be allowed on the premises.

- R. No licensee, his or her manager, employees, and/or agents, shall permit use of a weapon or ammunition whose penetration capabilities exceed the capabilities of the backstop to contain the bullets or particles of bullets as prescribed by the certified design professional in the report submitted in support of the license application.

§99-12. Ballistic security.

A professionally designed and commercially fabricated bullet trap and/or backstop shall be installed in all shooting areas which is constructed in a manner approved by the Chief of Police. It shall be constructed of forged steel or other material capable of stopping the flight of any bullet and preventing penetration. Provisions shall be made to stop glancing or stray bullets or particles of bullets at the sides of the target area.

§99-13. Presence of bystanders.

Persons not shooting or coaching shooters shall not be permitted within the immediate area of the shooting range or gallery unless a secure and separate viewing area is constructed pursuant to a building permit using plans certified by a licensed design professional.

§99-14. Storage and transportation of firearms.

All firearms shall be stored and/or transported in an unloaded condition and in a secured case, holster, cabinet or vault and in compliance with State and local laws, including Section 47-5 of the Code of the City of Rochester.

§99-15. Access under continuous control.

Access for entrance to the shooting range shall be under continuous control, monitoring and supervision by the licensee, agents and/or employees. No person shall be allowed to enter the shooting range without authorization and permission of the licensee, authorized agent or employee.

§99-16. Premises security.

The parking lot of a shooting range shall be well lit and monitored by a New York State licensed security guard at all times that the range is open.

§99-17. Ammunition and weapons prohibited.

- A. No person shall use or permit to be used any armor piercing or other ammunition designed for penetrating metal, or tracers, incendiary, gas or explosive ammunition within any shooting range governed hereunder.
- B. No person shall use or permit to be used any fully automatic weapons or weapons prohibited by §47-5 of the Code of the City of Rochester within any shooting range gov-

erned hereunder.

- C. Pursuant to Article 265 of the New York State Penal Law, only New York State Pistol Permit holders are permitted to shoot handguns at the shooting range unless the shooter falls under one of the exemptions set forth in §265.20 of the New York State Penal Law.

§99-18. Reporting requirements.

All negligent discharges that cause damage to any article of the range or any injury caused by the discharge of a firearm to any person will be reported immediately to the Rochester Police Department by calling 911.

§99-19. Record-keeping responsibilities.

Every shooting range licensee shall keep a substantially bound book, not less than six (6) inches in either length or width, in which shall be legibly written in ink and in English at the time any individual requests to shoot at the range and shall document the date and time and describe the name, age, residence, general description and signature of the person requesting to shoot, a description of the weapon including make and serial number of the weapon to be fired, and shall make a photocopy of the person's identification card along with his or her N.Y.S. Firearms Permit if firing with a handgun, and also, in the case of a minor shooting under one of the exceptions under §265.20, a photocopy of the supervising adult's, the accompanying parent's or legal guardian's identification. All such record books shall be open to inspection by any member of the Rochester Police Department during hours of operations stated on the license application. No entry in such book shall be erased, obliterated, altered or defaced and such book shall be maintained for a period of three (3) years from the date of the entry.

§99-20. Shooter to provide true name.

An individual who shoots or is supervising a minor at the range shall give to the range employees his or her true name, age and home address, which shall be verified by a New York State Driver's License, New York State Non-Driver's Identification Card, Police Identification Card or other means of identification approved by the Chief of Police.

§99-21. Proper disposal of waste.

All waste material generated at the range will be managed and timely disposed of in accordance with all Federal and State hazardous waste regulations.

§99-22. Compliance with applicable laws.

The conduct and operation of any shooting range shall be in compliance with any and all Federal, State and/or local laws, rules, codes and/or regulations.

§96-23. Promulgation of rules and regulations.

The Chief of Police shall, consistent with the ex-

press standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms as are in the Chief of Police's opinion necessary to effective administration and enforcement of the provisions of this chapter. These interpretations, rules, regulations and forms shall be available to the public at the License Clerk's Office, City Hall, Room 100A. Such rules, regulations and forms shall be effective upon filing with the City Clerk as a communication to the City Council.

§96-24. Transfer of business permit.

- A. Shooting range licenses shall not be transferred. In the event of any change involving the owner or operator of the business, the type of business, the name of the business or the business location, a new shooting range license shall be required. A shooting range license shall not be transferred to any person who holds power of attorney.
- B. A shooting range license shall be deemed null and void when the licensee is not found operating the business for a period of one (1) month and fails to respond in person to the Chief of Police, or his or her designee, after having been sent a seven (7) day notification letter.

§99-25. Denial of license.

- A. The Chief of Police may deny a license or deny the renewal of a license to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter or who makes a material misrepresentation on the license application. The Chief of Police shall give a written notification to an applicant of the reasons for the denial of a license.
- B. When the investigation conducted, pursuant to §99-5, reveals that the applicant has violated either Federal, State or local laws or rules and regulations, the Chief of Police may authorize the issuance of a conditional certificate. The conditional certificate shall state the grounds for the conditional certificate, the conditions under which the applicant shall operate his or her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional certificate, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional certificate.
- C. The Chief of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

§99-26. Revocation or suspension of license.

- A. The Chief of Police and/or the Chief of the Fire Department shall revoke any license issued hereunder if the licensee has, since the granting of the same:
- (1) Ceased to possess the qualifications required for an applicant for a license as set out herein.
 - (2) Been convicted of violating any of the provisions of this article.
 - (3) Conducted the business in violation of health, sanitary or safety regulations or other ordinances of the City.
 - (4) The Chief of Police shall revoke, without a hearing, the license of any person found guilty of five (5) or more violations of this chapter during any period of two (2) years. Nothing herein shall prevent the Chief of Police from revoking a license of any person with fewer than five (5) violations, on written charges and an opportunity for a hearing thereon, pursuant to §68-10 of the Municipal Code.

	Initial Penalty	Penalty Upon Default
First Offense	\$200	\$ 400
Second Offense	\$400	\$ 800
Third and Subsequent Offenses	\$600	\$1,200

§99-27. Additional regulations; penalties for offenses.

- A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in §13A-11H of the Municipal Code.
- B. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- C. Violations of the licensing provisions of this chapter may be enforced pursuant to Chapter 68 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.

§99- 28. Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this chapter are declared to be severable.

Section 2. Section 13A-11 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by amending subsection H thereof to read in its entirety as follows:

- H. Fines and penalties for any violation of Chapter 75, Noise, and Chapter, 99 Shooting Ranges, of the Municipal Code, shall be as follows:

Section 3. This ordinance shall take effect on February 14, 2011. Referral of violations to the Municipal Code Violations Bureau, and the penalties provided therefor, shall take effect upon the approval of the City Court.

Held in Committee.

The meeting was adjourned at 8:50 pm

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
FEBRUARY 22, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
Recreation & Youth Services
*Laura Ferguson
John Kerr
Finance Department
*Jennifer Strauss
Police Department
*Efrain Gonzalez
Eric R. Kmentt
*Jeanne M. Marciano
*Donald McKeeby, Jr.
**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Palumbo

RESOLVED, that the minutes of the Special Meeting of January 6, 2011 and the Regular Meeting of January 25, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:
Administrative Cancellation or Refund of
Erroneous Taxes and Charges 4040-11
Public Disclosure - CDBG Participation (2)
4041-11, 4042-11
Public Disclosure - HOME Participation
4043-11

**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:

Changing The Zoning Classification Of 210 And
218 Portland Avenue And 34 And 38 Central Park
From R-2 Medium Density Residential To C-2
Community Center Int. No. 40 No speakers.

Changing The Zoning Classification Of 442-444
And 446-448 Atlantic Avenue And 15 And 21
Greenleaf Street From R-2 Medium Density Resi-
dential To M-1 Industrial Int. No. 41 No
speakers.

Authorizing Amendatory 2008-09, 2009-10 And
2010-11 Community Development Program Plans
And Authorizing Agreements For The ED Finan-
cial Assistance Loan & Grant Programs Int. No.
42 No speakers.

Approving Geometric Changes And Changes In
The Pavement Width Of Chestnut Street, Court
Street, Manhattan Square Drive, Broadway And
East Broad Street, And The Removal Of The James
Street Roadway As Part Of The East Broad
Street/Chestnut Street/Court Street Improvement
Project Int. No. 53 No speakers.

**INTRODUCTION OF AND ACTION UPON
LOCAL LAWS, ORDINANCES AND RESOLU-
TIONS**

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2011-4
Re: Statement of Necessity

I am submitting this Statement of Necessity so that
action may be taken at the City Council Meeting
this evening. This Resolution is a result of the
comments and suggestions made by Judge Ark
during court last week.

Respectfully submitted,
Lovely A. Warren
President, City Council

Resolution No. 2011-4
(Int. No. 61)

**Resolution Regarding The Vacancy In The
Office Of Mayor**

WHEREAS, Robert J. Duffy, the elected Mayor
of the City of Rochester, resigned as Mayor on
December 31, 2010 in order to take office as the
Lieutenant Governor of the State of New York; and

WHEREAS, Thomas S. Richards, as the Deputy
Mayor at the time of the resignation of Mayor
Duffy, pursuant to Section 3-2 of the City Charter,
assumed the power and duty to act as Mayor until
the vacancy in the office of Mayor is filled as pro-
vided in the City Charter; and

WHEREAS, Thomas S. Richards, while acting
as Mayor pursuant to Section 3-2 of the City Char-
ter, and upon notice to the City Council, designated
an order of succession whereby the Commissioner
of Neighborhood and Business Development, R.
Carlos Carballada, was to succeed to the powers
and duties of Mayor, if necessary, on a temporary
basis, which designation was to apply for all pur-
poses; and

WHEREAS, Thomas S. Richards resigned from
his position effective January 20, 2011; and

WHEREAS, pursuant to the designation by
Thomas S. Richards, R. Carlos Carballada has been
holding the powers and performing the duties of
Mayor on a temporary basis since the resignation of
Thomas S. Richards; and

WHEREAS, Section 3-2.1 of the Charter of the
City of Rochester provides in pertinent part: "The
Council shall fill a vacancy in the office of Mayor
arising otherwise than by expiration of term by
appointing by a majority vote a person who is
registered in the same political party as the person
who vacated the office... The person so appointed
Mayor holds office until the first day of January
succeeding the first annual election held in time to
permit the filing of nominating petitions following
the vacancy, at which a successor must be elected
for the unexpired term. If the Council fails to ap-
point a Mayor within 30 days of a vacancy in the
office of Mayor, there shall be a special election
held within 90 days of such vacancy to elect a
successor to serve the unexpired term"; and

WHEREAS, the City Council did not agree by a
majority vote on a person to appoint as Mayor for
the remainder of the year; and

WHEREAS, the City Council has previously set
the date of March 29, 2011 for the special election
to fill the vacancy in the office of Mayor of the City
of Rochester.

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

Section 1. The City Council confirms and re-
states that it did not agree by a majority vote on a
person to hold an appointment as Mayor for the
remainder of the year, and nothing herein shall be
construed to mean that the Council has made an
appointment for the remainder of the year.

Section 2. The City Council confirms that the
special election to fill the vacancy in the office of

Mayor of the City of Rochester shall be held on March 29, 2011 as established in Resolution No. 2011-2.

Section 3. The City Council confirms the designation made by Thomas S. Richards of R. Carlos Carballada, the Commissioner of Neighborhood and Business Development, as successor to the powers and duties of the Mayor for all purposes, and confirms that pursuant to said designation Mr. Carballada has held the powers and performed the duties of the Mayor. The City Council further confirms that R. Carlos Carballada shall hereafter hold the powers and perform the duties of the Mayor until the vacancy in the office of Mayor is filled at the special election.

Section 4. Resolution No. 2011-2, establishing the date for the special election to fill the vacancy in the office of Mayor, is hereby amended by substituting the sixth WHEREAS clause herein for the second WHEREAS clause in said Resolution.

Section 5. The City Council expresses its intent to thoroughly review the provisions of law relating to a vacancy in the office of Mayor of the City of Rochester, and to propose appropriate revisions to the City Charter to clarify the procedures to be followed in filling such a vacancy.

Section 6. This resolution shall take effect immediately.

Adopted by the following vote:

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

Nays - Councilmember McFadden - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-5
Re: Appointments - Nuisance Points
Advisory Board

Transmitted herewith for your approval is legislation confirming the appointments of seven individuals to the Nuisance Points Advisory Board. The board is being established as a demonstration project in accordance with Resolution No. 2010-33 in an effort to evaluate the equitable enforcement of nuisance points to bars and restaurants as set out in the City Charter (Section 3-15).

The Southwest Quadrant will be used as the demonstration area. The Board will include four representatives who are active in Quadrant neighborhoods, and three who represent bars or restaurants in the area. The appointees to be confirmed are:

<u>Name</u> <u>Address</u>	<u>Representing</u>
Charlotte Thomas-Burch 68 Genesee Park Boulevard	Community

Nolia Brooks 79 Champlain Street	Community
John DeMott 1294 Genesee Park Boulevard	Community
Clifton Manns 312 Marlborough Road	Community
John Chmiel Water Street Music Hall, 204 N. Water St.	Bar/Restaurant
Larry Copeland P.J. Lounge, 495 West Avenue	Bar/Restaurant
Patty Nelson Thurston Bar & Grill, 529 Thurston Rd.	Bar/Restaurant

The terms of these appointments will extend to December 31, 2011.

Resumes for these individuals are available for review in the City Clerk's Office.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Resolution No. 2011-5
(Int. No. 62)

Resolution Approving Appointments To The Nuisance Points Advisory Board

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

Section 1. The Council hereby approves the appointment of the following persons to the Nuisance Points Advisory Board through December 31, 2011:

Community Representatives:

1. Charlotte Thomas-Burch
68 Genesee Park Boulevard.
2. Nolia Brooks
79 Champlain Street.
3. John DeMott
1294 Genesee Park Boulevard.
4. Clifton Manns
312 Marlborough Road.

Bar/Restaurant Representatives:

1. John Chmiel
Water Street Music Hall
204 North Water Street.
2. Larry Copeland
P.J. Lounge
495 West Avenue.
3. Patty Nelson
Thurston Bar & Grill
529 Thurston Road.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 22, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 23 - Cancellation Or Refund Of Erroneous Taxes And Charges

Int. No. 24 - Resolution Approving A Reappointment To The Rochester Public Library Board Of Trustees

Int. No. 25 - Establishing Maximum Compensation For A Professional Services Agreement For A Human Resource Management Study

Int. No. 26 - Authorizing A Grant Agreement And Amending The 2010-11 Budget For The Municipal Archives

Int. No. 27 - Authorizing Extension Of An Agreement For Web Development Services

Int. No. 60 - Establishing Maximum Compensation For Professional Services Agreements For Legal Services

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-16
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 \$42,528.84.

As a result of a recent review and policy change relative to water billings on vacant parcels, the City has determined that it would no longer bill for estimated water usage after water service has been shut off. The cancellations represented here consist of water charges added to tax consistent with the revised policy.

Also attached is a listing of 166 properties having water charges totaling \$25,387.79 that will be canceled administratively.

Other outstanding taxes and charges exist on these properties that have not been paid.

If these cancellations are approved, total cancellations

thus far for 2010-11 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	39	\$123,089.15
Administrative	126	51,890.40
Total		\$174,979.55

These cancellations represent .075% of the taxes receivable as of July 1, 2010.

Respectfully submitted
R. Carlos Carballada
Acting Mayor

Attachment No. AK-7

Ordinance No. 2011-16
(Int. No. 23)

Cancellation Or Refund Of Erroneous Taxes And Charges

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

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

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
105.40-3-50	H	2011	\$ 2,463.61
229 Curtis St			
105.49-2-36	H	2011	4,677.61
40 Delmar St			
120.25-3-58	H	2011	1,716.49
654 Maple St			
105.57-4-65	H	2011	1,030.55
193 Myrtle St			
120.26-2-6	H	2011	2,382.08
405 Wilder St			
120.33-1-13	H	2011	5,818.88
11 Klueh St			
106.52-1-4	H	2011	1,051.14
399 Bay St			
091.82-1-72	H	2011	1,580.27
166 Roycroft Dr			
091.73-3-17.1	H	2011	1,099.33
1307 North St			
090.81-2-52	H	2011	3,248.90
514 Driving Pk Av			
105.34-3-62	N/H	2011	1,103.49
544-548 Dewey Av			
106.43-4-44	H	2011	2,229.52
1 Engler St			
106.43-3-61	H	2011	1,133.52
360 First St			
120.58-1-6	H	2011	1,896.25
157 Kenwood Av			
106.31-4-46	H	2011	1,392.86
46 Sullivan St			
106.49-3-42	H	2011	1,079.60
38 Wilson St			
106.65-3-58	H	2011	2,224.67
31 Weld St			
106.23-2-67	H	2011	1,028.68
206 Remington St			

120.76-3-6	H		
779 Jefferson Av		2011	1,549.73
120.24-2-38.2	H		
108 Friederich Pk		2011	1,001.61
091.77-5-17	H		
215 Ave E		2011	1,121.65
105.28-1-28	H		
84 Ave B		2011	<u>1,698.40</u>
Grand Total			\$42,528.84

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-6
Re: Reappointment - Rochester Public
Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the reappointment of John E. Lovenheim, 24 Grove Street, Rochester, 14605, to the Rochester Public Library Board of Trustees. His new term will extend to December 31, 2015.

His resume is on file in the City Clerk's office.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Resolution No. 2011-6
(Int. No. 24)

**Resolution Approving A Reappointment To
The Rochester Public Library Board Of Trustees**

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

Section 1. The Council hereby approves the reappointment of John E. Lovenheim, 24 Grove Street, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2015.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-17
Re: Agreement - CynOsure, LLC, Review
of the Bureau of Human Resource
Management

Transmitted herewith for your approval is legislation establishing \$18,000 as maximum compensation for an agreement with CynOsure, LLC (principal: Joanne Giuffrida), Webster, NY, to provide an effectiveness and efficiency study of the City's Bureau of Human Resource Management. The cost of the agreement will be funded from the 2010-11 Undistributed Budget.

The consultant's study will include: the review of past evaluations of the Bureau; comprehensive interviews with appropriate staff; and a review of current practices in relation to industry standards and best practices. CynOsure will provide a final report, including recommendations for improvements, to the City at the completion of the study.

The term of the agreement will be for four months; any relevant information contained in the final report will be incorporated into the proposed 2011-12 Budget. Consultant time will be billed at \$90 per hour. CynOsure, LLC was selected for these services based on their extensive experience in public sector human resources.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Lovely A. Warren
President, City Council

Ordinance No. 2011-17
(Int. No. 25)

**Establishing Maximum Compensation For A
Professional Services Agreement For A Human
Resource Management Study**

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

Section 1. The sum of \$18,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and CynOsure, LLC for an effectiveness and efficiency study of the Bureau of Human Resource Management. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-18
Re: Agreement - New York State Archives,
Disaster Mitigation

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Archives for receipt and use of a grant and amending the 2010-11 Budget of the Information Technology Department by \$9,700 to reflect the grant.

These funds will be used to create a Disaster Management Plan for the Municipal Archives. The

project will include the identification and analysis of top priority archival records as well as the development of procedures necessary for rapidly re-establishing archival operations after a catastrophic event.

The Municipal Archives contain information stored in the following media: maps, paper, microfilm, microfiche, and a rare historic photo collection dating from the early nineteenth century.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-18
(Int. No. 26)

Authorizing A Grant Agreement And Amending The 2010-11 Budget For The Municipal Archives

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Archives for funding for a Disaster Management Plan for the Municipal Archives.

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

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Information Technology Department by the sum of \$9,700, 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. 2011-19
Re: Amendatory Agreement - NimbleUser,
Web Site Revitalization Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with NimbleUser (formerly VanDamme Associates), Pittsford, NY, to extend the term for continued services for website development. The current agreement expired on December 31, 2010; this amendment will extend the term through December 31, 2011.

Under the existing agreement, NimbleUser has completed coordination of all website content related to the City's real estate functions and will continue work to enhance the calendar and search functions, include opportunities for community-

authored content, and an upgrade to the newest content management system.

The original agreement (Ordinance No. 2008-320) established \$150,000 as maximum compensation to VanDamme Associates in September of 2008 as part of the City's Web Site Revitalization Project. An amendment in April of 2009 (Ordinance No. 2009-138) increased compensation by \$20,000 for additional maintenance services, and a second amendment in October of 2009 (Ordinance No. 2009-339) extended the term through December 31, 2010, expanded the services to be provided, and increased the maximum compensation by \$150,000 to a total of \$320,000.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-19
(Int. No. 27)

Authorizing Extension Of An Agreement For Web Development Services

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

Section 1. The Mayor is hereby authorized to enter into the extension of an agreement with NimbleUser for web development services for the City's Web Revitalization Project throughout 2011.

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. 2011-20
Re: Agreements - Legal Services

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for agreements with Nixon Peabody LLP, 1100 Clinton Square, for legal representation of the City in judicial proceedings challenging the special election to fill the vacancy in the office of Mayor and the authority of R. Carlos Carballada to perform the powers and duties of the Mayor.

The agreement provides for Christopher Thomas to represent the City in the proceedings at an hourly rate of \$250, with lesser rates set for associates and paralegals. The cost of the services in the original proceeding brought by Louis T. Amico and James A. McTiernan III is not to exceed \$10,000. The original proceeding was dismissed by the Court.

A second proceeding has been commenced by Harry Davis. This proceeding has required more extensive research and drafting and the cost at

Supreme Court is not to exceed \$15,000. Outside counsel has been retained in these matters to remove the possibility of a conflict involving City attorneys as both witnesses and advocates in the cases. Nixon Peabody LLP currently has a separate agreement with the City in the amount of \$4,000 to obtain service mark protection for the Rochester Police Department badge and shield.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-20
(Int. No. 60)

Establishing Maximum Compensation For Professional Services Agreements For Legal 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 professional services agreements between the City and Nixon Peabody LLP for legal representation of the City in challenges involving the vacancy in the office of the Mayor. The agreements may extend for the duration of the legal proceedings. Said amount shall be funded from the 2010-11 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
February 22, 2011

To the Council:

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

Int. No. 28 - Authorizing The Sale Of Real Estate And Amending Ordinances No. 2010-393 And 2010-394. As Amended

Int. No. 30 - Resolution Approving An Appointment To The Elevator Examining Board

Int. No. 31 - Amending Ordinance No. 2010-206 Relating To The Exterior And Security Rehabilitation Program

Int. No. 32 - Authorizing Agreements For Lead Hazard Reduction Evaluations

Int. No. 33 - Authorizing An Agreement For Phase II Of The Exterior And Security Rehabilitation Program For Owner-Occupants

Int. No. 35 - Authorizing An Agreement For The Lead Hazard Control Program

Int. No. 36 - Establishing Maximum Compensation For A Professional Services Agreement For Assistance With Development Projects

Int. No. 37 - Appropriating Funds And Authorizing Agreements For The Home Rochester Program

Int. No. 38 - Authorizing An Agreement With The County Of Monroe For Funding For Lead Poisoning Prevention

Int. No. 39 - Authorizing Agreements For The Emergency Assistance Repair Program And Aging In Place Home Modification Program

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

Int. No. 40 - Changing The Zoning Classification Of 210 And 218 Portland Avenue And 34 And 38 Central Park From R-2 Medium Density Residential To C-2 Community Center

Int. No. 41 - Changing The Zoning Classification Of 442-444 And 446-448 Atlantic Avenue And 15 And 21 Greenleaf Street From R-2 Medium Density Residential To M-1 Industrial

Int. No. 42 - Authorizing Amendatory 2008-09, 2009-10 And 2010-11 Community Development Program Plans And Authorizing Agreements For The ED Financial Assistance Loan & Grant Programs

The following entitled legislation is being held in Committee:

Int. No. 29 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 34 - Authorizing An Agreement For Phase II Of The Exterior And Security Rehabilitation Program For Landlords

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller (*Did not vote on Int. No. 2;*
Abstained on Int. No. 35)
Elaine M. Spaul
Lovely A. Warren
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-21
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of fourteen 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 five properties are vacant lots being sold by proposal. The first is to the adjoining owner who will combine it with the parent parcel, demolish the existing structure, and leave the property as green space. The next parcel is a commercial vacant lot being sold to the adjacent owner who will combine it with their adjoining property. The next three are being purchased by the Greater Rochester Housing Partnership; the first two will have a single-family house constructed on them, the last will be divided into two parcels with a single-family structure constructed on each. They will ultimately all be sold to owner-occupant, first-time buyers.

The next seven properties are buildable vacant lots being purchased by Flower City Habitat for Humanity to build new single-family homes as part of the JOSANA development.

The last two properties are unbuildable vacant lots being purchased by the adjacent owner; they will combine them with their adjoining lots.

The first year projected tax revenue for these fourteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,978.

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

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-8

Ordinance No. 2011-21
(Int. No. 28, As amended)

Authorizing The Sale Of Real Estate And Amending Ordinances No. 2010-393 And 2010-394

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

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
Portion of 1345 Emerson St and Portion of 1181 Emerson St	60x239	14,340	\$ 6,600

105.37-1-23.1 and 105.37-1-22			AGIR, LLC*
360 South Av	39x219	8,541	\$ 1,000
121.48-1-98			Miron Pidkova
104 Weld St	36x130	4,680	\$ 795
106.73-2-11			Greater Roch Hsng Partnership**
119 Weld St	34x130	4,420	\$ 755
106.74-1-61			Greater Roch Hsng Partnership
129-131 Weld St	66x130	8,712	\$10,000
106.74-1-56.1			Greater Roch Hsng Partnership

*Principals: Anthony Marino, President & Sole Proprietor

**Principals: Jean Lowe, President; Judy Seil, Member; Bret Garwood, Member; Richard Mueller, Member; Ann McCormick, Member; George Mackey, Member; Loren Ranaletta, Member; Cassandra Claboine, Member; Clint Campbell, Member; James Goff, Member; Shelia James, Member; Rosalind Gerbracht, Member; Patrick Tobin, Member; Julio Vazquez, Member; Gerald Van Strydonck, Member

Section 2. 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>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
355 Campbell St 120.26-1-70	50x89	4,450	\$425	Flower City Habitat for Humanity***
376 Campbell St 120.26-1-25	40x148	5,920	\$450	Flower City Habitat for Humanity
386 Campbell St 120.26-1-23	40x148	5,313	\$450	Flower City Habitat for Humanity
419 Orange St 105.82-3-40	40x147	5,880	\$450	Flower City Habitat for Humanity
[424 Orange St 105.82-3-58	50x140	7,000	\$475	Flower City Habitat for Humanity]
83 Orchard St 120.26-1-54	40x114	4,560	\$425	Flower City Habitat for Humanity
91 Orchard St 120.26-1-52	45x114	5,227	\$450	Flower City Habitat for Humanity

***Principals: Thomas Rogers, Chairman; David Rodriguez, Vice Chairman; Jeffrey Lewis, Treasurer; Ann McCormick, Secretary; Arthur Woodward, President & CFO

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
210 Durnan St 091.74-4-33	35x80 Houston & Leola Bean	2,800
294 Cottage St 120.83-3-43.1	15x151 Shelby Real Estate, Inc.****	2,178

****Principals: Avis R. Hill, President & Sole Proprietor

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

Section 5. Ordinance No. 2010-394, relating to the sale of real estate for the Voters Block Community Project, is hereby amended by changing the reference to 59 Dr. Samuel McCree Way to dimensions of 55 x 117, SBL #121.53-1-12.2, and a price of \$400, and authorizing the sale of a five-foot strip of land along the western boundary of 59 Dr. Samuel McCree Way to Pilgrim Pentecostal Church of God, for the sum of \$100.

Section 6. Ordinance No. 2010-393, relating to a tax exemption for the Voters Block Community Project, is hereby amended by changing the reference to 59 Dr. Samuel McCree Way to dimensions of 55 x 117, SBL# 121.53-1-12.2.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-7
Re: Appointment - Elevator Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of Michael P. Ferris, CEIS, 4520 Sweden-Walker Road, Brockport, NY, to the Elevator Examining Board. Mr. Ferris is a licensed inspector which is a requirement for this position. He will assume the position recently vacated by Timothy R. Carges.

The Board is responsible for maintaining a City licensing system for elevator inspectors and mechanics, and a registration system for installation/maintenance companies.

Mr. Ferris' appointment will commence immediately upon approval and shall extend through February 28, 2014.

His resume is available in the City Clerk's office for your review.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Resolution No. 2011-7
(Int. No. 30)

Resolution Approving An Appointment To The Elevator Examining Board

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

Section 1. The Council hereby approves the appointment of Michael P. Ferris, 4520 Sweden-Walker Road, to the Elevator Examining Board for a term which shall expire on February 28, 2014. Mr. Ferris shall replace Timothy Carges, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-22
Re: Amending Ordinance No. 2010-206 - Focused Investment Strategy, Exterior And Security Rehabilitation Program For Owner-Occupants

Transmitted herewith for your approval is legislation amending Ordinance No. 2010-206 to rescind the authorization for the agreement with NCS Community Development Corporation, Inc. to provide construction management services for the Exterior and Security Rehabilitation Program (ESRP), a component of the Focused Investment Strategy. The \$750,000 of Community Development Block Grant funds appropriated in Ordinance No. 2010-206, along with \$400,000 in 2007-08 Cash Capital, will remain available to fund the program through City operation.

Properties enrolled in the ESRP and built before 1978 require a lead-based paint risk assessment followed by the remediation of any identified lead-based paint hazards. For such properties, the City would enroll it in the Lead Hazard Control Program, oversee the remediation process, and when completed would refer the property to NCS to provide construction services for the ESRP portion of the program.

However, with more than 90% of the properties requiring lead remediation, this process proved to be inefficient. In order to streamline the program, the City will now develop a scope of work for both the lead hazard control work and the ESRP, procure the project, and oversee construction management. The agreement with NCS for these services is therefore unnecessary.

Through an existing agreement authorized in Ordinance No. 2009-110, NCS will continue to provide application intake services.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

R. Carlos Carballada
Acting Mayor

Attachment No. AK-9

Ordinance No. 2011-22
(Int. No. 31)

Ordinance No. 2011-23
(Int. No. 32)

Amending Ordinance No. 2010-206 Relating To The Exterior And Security Rehabilitation Program

Authorizing Agreements For Lead Hazard Reduction Evaluations

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

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

Section 1. Ordinance No. 2010-206, authorizing an agreement for the Exterior and Security Rehabilitation Program as a part of the Focused Investment Strategy, is hereby amended by rescinding authorization for the agreement with NCS Community Development Corporation, Inc. The funding approved in Section 2 of said Ordinance shall remain available to fund the Program through City operation.

Section 1. The Mayor is hereby authorized to enter into agreements with Environmental Testing & Consulting, Inc., Envoy Environmental Consultants, Inc., and the Lew Corporation for lead hazard evaluation services for Phase II of the Focused Investment Strategy Exterior and Security Rehabilitation Program for Landlords.

Section 2. This ordinance shall take effect immediately.

Section 2. The agreements shall obligate the City to pay an aggregate amount not to exceed \$30,000, and said amount, or so much 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.

Passed unanimously.

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

TO THE COUNCIL
Ladies and Gentlemen:

Section 4. This ordinance shall take effect immediately.

Ordinance No. 2011-23
Re: Focused investment Strategy - Exterior and Security Rehabilitation Program For Landlords - Phase II Lead hazard Evaluation Services

Passed unanimously.

Transmitted herewith for your approval is legislation authorizing agreements with three firms to provide lead hazard evaluation services, and appropriating \$30,000 from the 2009-10 Focused Investment Strategy allocation of the Neighborhood and Asset-Based Planning Fund to fund the agreements. The aggregate cost of the agreements will not exceed \$30,000.

TO THE COUNCIL
Ladies and Gentlemen:

The firms, Environmental Testing & Consulting, Envoy Environmental, and Lew Corporation, were selected through a request for proposal process, and were previously authorized to provide lead hazard evaluation services through Ordinance No. 2010-294. They will offer combined lead-based paint inspections/risk assessments for ninety property owners enrolled in the program. It is anticipated that each consultant will complete approximately 22-23 inspections at a cost of \$325 per unit.

Ordinance No. 2011-24
Re: Focused Investment Strategy - Exterior And Security Rehabilitation Program For Owner-Occupants - Phase II

Each of these consultants has provided these services for the City since 2004 and all have performed to the City's satisfaction.

Transmitted herewith for your approval is legislation establishing \$1,232,000 as maximum compensation for an agreement with NCS Community Development Corporation, Inc. to provide services related to the Exterior and Security Rehabilitation Program for Owner-Occupants, a component of the City's Focused Investment Strategy; and appropriating \$112,000 from the Neighborhood & Asset-Based Planning Fund of the 2009-10 Community Development Block Grant to partially finance the cost of the agreement. The balance of the agreement will be funded from 2009-10 (\$527,983) and 2010-11 (\$592,017) Cash Capital.

The Neighborhood and Asset-Based Planning Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

The Exterior and Security Rehabilitation Program for owner-occupants offers financial assistance up to \$20,000 plus an additional \$20,000 for lead hazard to eligible owner-occupants. The Phase I funding for up to 60 properties was authorized in May 2009 and June 2010; 50 properties have been enrolled, and 10 properties will be recruited over the next two months. Funding is expected to be

Respectfully submitted,

fully committed by March 1, 2011.

A total of \$1,120,000 will fund Phase II and provide financial assistance to approximately 40 eligible properties at an average of \$28,000 per property. NCS Community Development Corporation will be allowed to collect \$112,000 in program implementation fees (10% of the total).

The Neighborhood and Asset-Based Planning Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-10

Ordinance No. 2011-24
(Int. No. 33)

Authorizing An Agreement For Phase II Of The Exterior And Security Rehabilitation Program For Owner-Occupants

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

Section 1. The Mayor is hereby authorized to enter into an agreement with NCS Community Development Corporation, Inc. for Phase II of the Exterior and Security Rehabilitation Program for Owner-Occupants as a part of the Focused Investment Strategy.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,232,000, and of said amount, or so much thereof as may be necessary, \$112,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program, \$527,983 shall be funded from the 2009-10 Cash Capital allocation and \$592,017 shall be funded from the 2010-11 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. 2011-25
Re: Agreement - ACM Medical Laboratory, Inc., Lead Hazard Control Program

Transmitted herewith for your approval is legislation related to child blood testing services as part of the City's Lead Hazard Control Program. This legislation will authorize an agreement with ACM

Medical Laboratory, Inc. in an amount not to exceed \$5,000.

As a requirement of the lead hazard control program, the City must obtain medical records for child occupants below 6 years of age to evidence their blood lead levels. As such, families that have not had their children tested for lead poisoning within 6 months before the lead hazard control work is to begin must have their children tested. The City has contracted with ACM since 2004 to provide these services. It is proposed to continue these services with ACM as to not create a disruption in the customer service infrastructure that has been developed.

It is estimated that 30-50 children will require services over the next 12 months. ACM's cost is \$15 per test. ACM will also be available to provide blood testing services at community events such as health fairs. Phlebotomy services will cost \$50/hr. plus \$15 for each blood test. It is expected that ACM will provide these services at three events to take place this summer.

City Council approval is required for this agreement because the total amount of current agreements with ACM (\$9,000) in combination with this proposed agreement will exceed \$10,000.

The agreement will be funded from the appropriation made through Ordinance No. 2010-72 on March 17, 2010.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-25
(Int. No. 35)

Authorizing An Agreement For The Lead Hazard Control Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with ACM Medical Laboratory, Inc. for blood testing services for the Lead Hazard Control Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1 of Ordinance No. 2010-72.

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. 2011-26
Re: Agreement - National Development Council,
Financing Options for Development Projects

Transmitted herewith for your approval is legislation establishing \$72,000 as maximum compensation for an agreement with the National Development Council (NDC), New York City, for assistance with evaluating various funding opportunities, financial structures, and economic feasibility for proposed development projects in the City, including the development of the PAETEC corporate headquarters project. The agreement will be funded from the 2008-09 Cash Capital allocation for acquisition and economic development.

NDC will continue the following services: implement a funding strategy for the PAETEC project at Midtown; provide an array of services to the City for other redevelopment plans and proposals; provide technical assistance and advocacy in the City's efforts to seek funding or leverage existing resources through governmental programs; and provide training for City staff.

These services have been provided successfully through the prior agreement authorized by Council in April 2010 for \$72,000.

The term of the agreement will be one year.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-26
(Int. No. 36)

Establishing Maximum Compensation For A Professional Services Agreement For Assistance With Development Projects

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

Section 1. The sum of \$72,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the National Development Council for assistance with funding related opportunities and financial analyses for development projects. The agreement shall have a term of one year. 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. 2011-27
Re: Agreements and Appropriation -
Home Rochester

Transmitted herewith for your approval is legislation authorizing agreements with certain Communi-

ty Housing Development Organizations for the administration of development subsidies related to the Home Rochester Program, and appropriating \$526,365 from the Community Housing Development Organization (CHDO) Program allocation of Housing Development Fund (HOME funds) of the 2010-11 Consolidated Community Development Plan to fund the subsidies.

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit CHDOs. This year's award is \$3,492,596.

Each CHDO must demonstrate to the City that they continue to meet HUD requirements pertaining to legal status, organizational structure, capacity, and experience. The City also reviews each organization's production, most recent annual audit, roster of current board members, and budget/plan.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. It is anticipated that approximately 35 buyers will be assisted through the proposed appropriation. The average subsidy will be approximately \$15,000.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post-purchase homebuyer training classes and reside in the properties for a minimum of 10 years.

The Housing Development Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-11

Ordinance No. 2011-27
(Int. No. 37)

Appropriating Funds And Authorizing Agreements For The Home Rochester Program

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Community Housing Development Organization Program Account) of the 2010-11 HOME Program the sum of \$526,365, or so much thereof as may be necessary, to fund housing development subsidies through the Home Rochester Program by designated Community Housing Development Organizations (CHDOs) and non-profit developers.

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

with designated CHDOs and non-profit developers for use of these funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-28
Re: Agreement - Monroe County, Funding
For Lead Poisoning Prevention

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of a grant of up to \$230,000 to support the Primary Prevention of Childhood Lead Poisoning Program. These funds are part of a grant awarded to the County from the New York State Department of Health, and will support the City's efforts to increase the number of units in high risk areas that will be inspected for lead.

The term of the contract is October 1, 2010 through September 30, 2011. These funds were included in the operating budget of the Department of Neighborhood and Business Development.

The grant contribution will support two full-time or equivalent inspection positions, a part-time clerk, and funding for additional lead wipe clearance tests. The support will enable the City to continue inspections for lead safe housing for children and families.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-28
(Int. No. 38)

Authorizing An Agreement With The County Of Monroe For Funding For Lead Poisoning Prevention

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for the Primary Prevention of Childhood Lead Poisoning Program from October 1, 2010 through September 30, 2011.

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. 2011-29
Re: Emergency Assistance Repair and Aging
in Place Project Home Modification
Programs

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with neighborhood agencies, as listed below, to provide services in support of the continuation of minor home repair programs including the Emergency Assistance Repair Program (EARP) and Aging in Place Home Modification Program. These agreements will be funded from 2010-11 Cash Capital.

<u>Agency</u>	<u>Purpose</u>	<u>Amount</u>
Group 14621 Community Assn.		
	NE Quad (Sector 9)	\$153,900
NCS Community Development Corp		
	NE Quadrant (Sector 10)	48,600
NCS		
	NW Quadrant	226,800
NCS		
	SW Quadrant	145,800
NCS		
	SE Quadrant	234,900
Lifespan		
	Aging in Place	<u>40,000</u>
Total		<u>\$850,000</u>

The Bureau of Business and Housing Development will retain and directly administer \$50,000 of the EARP appropriation for water service replacement projects required as a result of street repairs and appropriate warranty claims for eligible repairs city-wide.

EARP was last authorized by City Council on May 11, 2010 via Ordinance No. 2010-149, which provided \$1,000,000 in funding. The proposed agreements are similar to the previous program authorization.

The Aging in Place Home Modification Program has operated city-wide for four years, most recently as authorized by Ordinance 2009-106, which provided \$68,000 in funding. The Bureau of Business and Housing Development will work with Lifespan and the EARP agencies to identify eligible properties.

A description and details of EARP and Aging in Place programs are attached.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-12

Ordinance No. 2011-29
(Int. No. 39)

Authorizing Agreements For The Emergency

Assistance Repair Program And 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 the following agreements or the following amounts are allocated to implement the Emergency Assistance Repair Program and Aging in Place Home Modification Program:

<u>Agency Purpose</u>	<u>Amount</u>
Group 14621 Comm. Assn. 14621 Service Area in the NE Quadrant (Sector 9)	\$153,900
NCS Comm. Dev. Corp. Remainder of the NE Quadrant (Sector 10)	\$ 48,600
NCS NW Quadrant	\$226,800
NCS SW Quadrant	\$145,800
NCS SE Quadrant	\$234,900
Lifespan Aging in Place	\$ 40,000
City of Rochester Water/Sewer Line and Warranty Repairs	\$ 50,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$850,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Cash Capital allocation.

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. 2011-30
Re: Zoning Map Amendment - 210 and 218 Portland Avenue and 34 and 38 Central Park

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 210 and 218 Portland Avenue and 34 and 38 Central Park from R-2 Medium Density Residential District to C-2 Community Center District.

The rezoning has been requested by the owner of the four properties, JSP Auto Sales, an auto repair and sales operation at 210 and 218 Portland Avenue, to facilitate expansion of the existing auto sales use onto the properties at 34 and 38 Central Park. The current R-2 district does not permit auto related uses.

Upon the successful rezoning of the properties to C-2, the auto sales expansion will be subject to Site Plan Review approval by the Director of Planning and Zoning. Approval of a Use Variance by the Zoning Board of Appeals will also be required because auto sales is a prohibited use in the C-2 district. Furthermore, an Area Variance may be required; a determination will be made by the Zoning Board.

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 meeting on January 10, 2011. There were no speakers in support or in opposition to this proposal. By a vote of 5-0, the Planning Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-13

Ordinance No. 2011-30
(Int. No. 40)

Changing The Zoning Classification Of 210 And 218 Portland Avenue And 34 And 38 Central Park From R-2 Medium 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 parcels, constituting 210 and 218 Portland Avenue and 34 and 38 Central Park, from R-2 Medium 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, part of Town Lot 65, and being Lot 17 of the North Davis Tract (not recorded) and part of Lots 1, 3, 4 & 5 of the August Bott Estate Subdivision, as filed in the Monroe County Clerk's Office in Liber 42 of Maps, Page 26 and being more particularly bounded and described as follows: Beginning at the centerline intersection of Central Park (60' ROW as dedicated by Ordinance No. 93-393) and Portland Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said centerline of Portland Avenue, a distance of 98.0 feet, more or less, to the westerly projection of the north line of said Lot 17; thence

- 2) Easterly, along said projection and the north line of Lot 17, a distance of 183.0 feet, more or less, to the northeast corner thereof; thence
- 3) Northerly, parallel with said Portland Avenue and along the west line of said Lot 4, a distance of 20.0 feet, more or less, to the northwest corner thereof; thence
- 4) Easterly, along the north line of said Lots 4 & 5 and their projection, a distance of 120.0 feet, more or less, to the centerline of Sigel Street (30' ROW); thence
- 5) Southerly, along said centerline of Sigel Street, a distance of 92.0 feet, more or less, to the said centerline of Central Park; thence
- 6) Westerly, along said centerline of Central Park, a distance of 308 feet, more or less, to the said centerline of Portland Avenue, 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. 2011-31
Re: Zoning Map Amendment -
442-444 Atlantic Avenue and
15 and 21 Greenleaf Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 442-444 and 446-448 Atlantic Avenue and 15 and 21 Greenleaf Street from R-2 Medium Density Residential District to M-1 Industrial District. The rezoning of these four properties has been requested by the owner, Meier Supply Company, Inc., a wholesaler of heating, ventilation, air conditioning and refrigeration supplies; the firm has been located at 430 Atlantic Avenue, an M-1 district, since 1999.

This rezoning will allow Meier Supply to consolidate their properties in the M-1 district, which will facilitate future building and parking lot expansion. Properties located in different zoning districts are not eligible to be combined into a single parcel, and commercial and manufacturing development is prohibited in residential districts.

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 for the Zoning Map Amendment will be issued prior to City Council action.

The Planning Commission held an informational meeting on January 10, 2011. 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,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-14

Ordinance No. 2011-31
(Int. No. 41)

Changing The Zoning Classification Of 442-444 And 446-448 Atlantic Avenue And 15 And 21 Greenleaf Street From R-2 Medium Density Residential To M-1 Industrial

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 442-444 and 446-448 Atlantic Avenue and 15 and 21 Greenleaf Street, from R-2 Medium Density Residential to M-1 Industrial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 42 and being Lots 1, 2 and part of Lot 5 of the Schanck Farm Subdivision, as filed in the Monroe County Clerk's Office in Liber 20 of Maps, Page 34 and being more particularly bounded and described as follows: Beginning at the centerline intersection of Greenleaf Street (50' ROW) and Atlantic Avenue (52.75' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Westerly, along said centerline of Atlantic Avenue, a distance of 103.0 feet, more or less, to the southerly projection of the west line of said Lot 2; thence
- 2) Northerly, along said projection and the west line of Lot 2, a distance of 156.4 feet, more or less, to the northwest corner thereof; thence
- 3) Easterly, along the north line of said Lot 2, a distance of 3.0 feet to a point; thence
- 4) Northerly, through said Lot 5 and parallel with said Greenleaf Street, a distance of 38.0 feet to the north line of Lot 5; thence
- 5) Easterly, along said north line of Lot 5 and it's projection, a distance of 100.0 feet, more or less, to the said centerline of Greenleaf Street; thence
- 6) Southerly, along said centerline, a distance of 194.4 feet, more or less, to the said centerline of Atlantic Avenue, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Attachment No. AK-15

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-32
(Int. No. 42)

Ordinance No.2011-32
Re: Amending the 2008-09, 2009-10 and
2010-11 Consolidated Community
Development Plans - Business Programs,
PAETEC Corporate Headquarters
Financing

**Authorizing Amendatory 2008-09, 2009-10
And 2010-11 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:

Transmitted herewith for your approval is legisla-
tion related to the Midtown Plaza Revitalization
Project and the new PAETEC corporate headquar-
ters to be located in downtown Rochester. The
proposed legislation will:

Section 1. The Council hereby approves
amendments to the Community Development Pro-
gram Plans whereby the sum of \$466,000 is trans-
ferred in 2008-09, the sum of \$1,500,000 is trans-
ferred in 2009-10, and the sum of \$6,100,000 is
transferred in 2010-11, to new or existing accounts
in the Promoting Economic Stability allocations
(ED Financial Assistance Loan & Grant - PAETEC
Headquarters Project Accounts), from the follow-
ing accounts:

1. Amend the 2008-09, 2009-10 and 2010-11
Consolidated Community Development
Plans/Annual Plans by transferring a total of
\$8,066,000 as summarized in the attached
chart, which is also on file with the City
Clerk;
2. Authorize the Director of Finance to record
all transfers herein and to make adjustments
to the reprogrammed amounts set forth in the
attached chart which may have changed prior
to the adoption of this ordinance;
3. Appropriate and re-appropriate a total of
\$8,066,000 from the Promoting Economic
Stability Objective of the 2008-09, 2009-10
and the 2010-11 Consolidated Community
Development Plans/Annual Plans to fund the
Economic Development Financial Assistance
Loan and Grant Program; and
4. Authorize any agreements necessary to im-
plement the ED Financial Assistance Loan
and Grant Program and any agreements with
the NYS Empire State Development Corpora-
tion (ESD).

Allocation/Account

<u>CDBG</u>	<u>Year</u>	<u>Ord. No.</u>	<u>Amount</u>
Housing Development			
Emergency Assistance Repair			
2010-11			\$ 900,000
Demolition			
2010-11	2010-248		750,000
Neighborhood and Asset-Based Planning			
Focused Investment Strategy			
2010-11			2,207,983
General Community Needs			
Neighborhood Streetscapes			
2010-11			275,000
Neighborhood and Business			
Program Delivery			
2010-11			1,967,017
Housing Development			
Emergency Assistance Repair			
2009-10	2010-149		1,000,000
General Community Needs			
Neighborhood ROW Improvements			
2009-10			226,000
Neighborhood Streetscapes			
2009-10			274,000
Neighborhood and Asset-Based Planning			
Focused Investment Strategy -			
Private Demolition			
2008-09	2009-273		200,000
General Community Needs			
NBN Streetscapes			
2008-09			<u>266,000</u>
Total			<u>\$8,066,000</u>

The amendments to the Consolidated Plans will
allow previously allocated Community Develop-
ment Block Grant (CDBG) amounts to be used to
finance the PAETEC project; previously planned
Cash Capital amounts will be substituted to finance
the original CDBG projects and activities.

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.

The transfers will facilitate the financing of the
PAETEC project, including an interest subsidy
grant of approximately \$7,368,042 and a develop-
ment grant in the amount of \$800,000 for a total of
\$8,168,042. The difference between the latter
amount and total amount of \$8,066,000 being trans-
ferred in the Consolidated Community Develop-
ment Plans, or \$102,042, will be funded by an
existing allocation for the ED Financial Assistance
Loan and Grant Program.

Section 3. The Director of Finance shall record
all transfers herein and shall have the authority to
make adjustments to the amounts set forth which
may have changed prior to the adoption of this
ordinance.

A public hearing on the Consolidated Plan amend-
ments is required.

Respectfully submitted,
R. Carlos Carbollada
Acting Mayor

Section 4. There is hereby appropriated from the Promoting Economic Stability Allocation of the 2008-09 Community Development Program the sum of \$466,000, from the Promoting Economic Stability allocation of the 2009-10 Community Development Program the sum of \$1,500,000, and from the Promoting Economic Stability Objective (ED Financial Assistance Loan & Grant - PAETEC Headquarters Project Account) of the 2010-11 Community Development Block Grant the sum of \$6,100,000, or so much thereof as may be necessary, to fund the ED Financial Assistance Loan & Grant Programs for the PAETEC Headquarters Project.

Section 5. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the ED Financial Assistance Loan & Grant Programs for the PAETEC Headquarters Project and to enter into any necessary agreements with the New York State Empire State Development Corporation for the Midtown Plaza Revitalization Project and the PAETEC Headquarters Project.

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.

Councilmember Palumbo moved to discharge Int. No. 29 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-33
Re: Lease - 1015 Thomas Avenue

Transmitted herewith for your approval is legislation authorizing a one year lease agreement between the City and Voyager Boat Sales, Inc. for the continued use of the premises located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease expired on December 31, 2010. The new lease will commence January 1, 2011 and expire on December 31, 2011. The monthly rental amount will be \$2,300 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,

R. Carlos Carballada
Acting Mayor

Attachment No. AK-16

Ordinance No. 2011-33
(Int. No. 29)

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.

Councilmember Palumbo moved to discharge Int. No. 34 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-34
Re: Focused Investment Strategy - Phase II
Exterior and Security Rehabilitation
Program for Landlords

Transmitted herewith for your approval is legislation establishing \$76,000 as maximum compensation for an agreement with NeighborWorks Rochester, Inc. to provide professional services for the program the Exterior and Security Rehabilitation Program for Landlords, a component of the City's Focused Investment Strategy; and appropriating \$76,000 from the Neighborhood & Asset-based Planning Fund of the 2009-10 Community Development Block Grant to fund the agreement.

The Focused Investment Strategy, Exterior and Security Rehabilitation Program for Landlords offers financial assistance up to \$18,000 plus an additional \$20,000 for lead hazard control to eligible landlords. The funding for 50 properties authorized in August 2009 (Ordinance No. 2009-279)

for Phase I of the program is expected to be fully committed by March 1, 2011.

Phase II, which will be administered by Neighborhood and Business Development staff, will be funded from a total of \$1,320,000 of Cash Capital funding to provide financial assistance to approximately 40 eligible properties at an average of \$33,000 per property. Following are the sources of Cash Capital for phase II:

<u>Fiscal Year</u>	<u>Amount</u>
2007-08	\$ 354,999
2009-10	500,000
2010-11	<u>465,001</u>
Total	\$1,320,000

NeighborWorks Rochester provided administrative services for the Phase I and performed to the City's satisfaction, and they are recommended for Phase II.

The Neighborhood and Asset-Based Planning Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-17

(Ordinance No. 2011-34
(Int. No. 34)

**Authorizing An Agreement For Phase II Of
The Exterior And Security Rehabilitation Program
For Landlords**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester, Inc. to provide administrative services for Phase II of the Focused Investment Strategy Exterior and Security Rehabilitation Program for Landlords.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$76,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers

Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

By Councilmember Miller
February 22, 2011

To the Council:

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

Int. No. 43 - Authorizing An Agreement For An Urban And Community Forestry Grant

Int. No. 44 - Amending The 2010-11 Budget For The Green Fueling Station

Int. No. 45 - Approving Water Quality Improvement Projects

Int. No. 46 - Approving Acceptance Of An Easement

Int. No. 47 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

Int. No. 48 - Authorizing An Amendatory Agreement For The Supply Of Electricity To City Facilities

Int. No. 49 - Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of 24 Seneca Avenue

Int. No. 50 - Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of The Former AC Delco Appliance Site

Int. No. 54 - Establishing Maximum Compensation For A Professional Services Agreement For The Westfield Street And Penhurst Street Improvement Project

Int. No. 55 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,806,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Westfield Street And Penhurst Street Improvement Project

Int. No. 56 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$500,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Westfield Street And Penhurst Street Improvement Project

Int. No. 57 - Establishing Maximum Compensation For A Professional Services Agreement For The 2011 Preventive Maintenance Projects

Int. No. 58 - Amending The 2010-11 Budget For The Rush Reservoir Liner And Floating Cover Improvement Project

Int. No. 59 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$8,535,000 Bonds Of Said City To Finance The Cost Of Construction Of The Rush Reservoir Liner And Floating Cover Improvement Project

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

Int. No. 53 - Approving Geometric Changes And Changes In The Pavement Width Of Chestnut Street, Court Street, Manhattan Square Drive, Broadway And East Broad Street, And The Removal Of The James Street Roadway As Part Of The East Broad Street/Chestnut Street/Court Street Improvement Project

Respectfully submitted,
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-35
Re: NYS DEC Urban and Community
Forestry Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Environmental Conservation for the receipt and use of up to \$62,500 in grant funding under the Urban and Community Forestry Grant Program.

The New York State Department of Environmental Conservation Urban and Community Forestry Program provides support and assistance to communities for comprehensive planning, management, and education to create healthy urban and community forests, and enhancement of the quality of life for urban residents.

The funds of the grant will be used to purchase tree stock for new tree plantings. The required 50% match of up to \$62,500 will be met by the labor cost of City Forestry crews planting the trees.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-35
(Int. No. 43)

Authorizing An Agreement For An Urban and Community Forestry Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Environmental Conservation for

funding under the Urban and Community Forestry Grant Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-36
Re: Budget Amendment - Green
Fueling Station

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$200,000 from the Refuse fund and \$100,000 from the Local Works fund to 2010-11 Cash Capital to finance the costs of design and construction of the Green Fueling Station at the Central Vehicle Maintenance Facility (CVMF) at Mt. Read Boulevard.

In 2008, the County was awarded a \$4.25 million Federal Transportation Improvement Program Congestion Mitigation and Air Quality (CMAQ) grant for design and construction of new fueling facilities at the Frank E. VanLare Wastewater Treatment plant, CVMF, and two modular fueling facilities that can be relocated. The stations will accommodate alternative fuels (ethanol, natural gas and other potential biofuels) to enable an evolving City and County fleet. The funds require a minimum 20% project match to be shared between the City and County.

An inter-municipal agreement with the County for planning and design services was authorized by Council in November 2009 (Ordinance No. 2009-382). The County retained Barton & Loguidice, P.C., with the cost of site assessment and preliminary design services shared between the County and City. Preliminary design was completed in fall 2010.

The anticipated share for the project design and construction (\$500,000) was identified as debt and approved as part of the 2009-10 Budget; \$75,000 was authorized by Council (Ord. No. 2009-383) to finance the City's share of consultant preliminary design costs.

It was determined during preliminary design that the removal and closure of the existing underground petroleum storage tanks, piping, and dispensing system at the CVMF will require certain remedial activities to address petroleum contamination. The costs for some elements of these remedial activities are ineligible for the CMAQ grant. The Refuse and Local Works funds are appropriated to fund these costs.

Subsequent legislation will be sought for a final design and construction agreement with Monroe

County and appropriation of remaining debt.
Respectfully submitted,

R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-36
(Int. No. 44)

Amending The 2010-11 Budget For The Green Fueling Station

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$300,000, of which amount \$200,000 is hereby appropriated from the fund balance of the Refuse Fund and \$100,000 is hereby appropriated from the fund balance of the Local Works Fund to fund the Green Fueling Station.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-37
Re: NYSDEC 2010 Water Quality Improvement Program - Green Infrastructure Projects

Transmitted herewith for your approval is legislation related to a New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program (WQIP) grant. This legislation will:

1. Appropriate \$2,005,500 in anticipated reimbursements from the NYSDEC to finance WQIP grant projects for various City green infrastructure improvements;
2. Amend the 2010-11 Budget by transferring \$261,500 from Contingency to Cash Capital to partially fund the City's match of several grant activities; and
3. Authorize the Mayor as representative to act in behalf of the City in all matters related to State assistance under the WQIP.

Competitive grant applications to the NYSDEC for green infrastructure improvement projects and subsequent agreements were authorized by Council in October 2009 (Ordinance No. 2009-348). The WQIP awards to the City, announced in November, will fund 85% of total project costs for four projects to be administered by the Department of Environmental Services. The funding allocations for the projects are summarized as follows:

<u>Project</u>	<u>Total Cost</u>	<u>State Grant</u>	<u>Local Match</u>
City Hall Green Roof Installation And Permeable Parking Lot	\$ 890,000	\$ 756,000	\$134,000
Cornerstone Park Green Infrastructure Improvements	850,000	722,500	127,500
Citywide Porous Sidewalk and Landscaping Applications	320,000	272,000	48,000
Emerson/Locust Connector Street Drainage Applications	<u>300,000</u>	<u>255,000</u>	<u>45,000</u>
Total	\$2,360,000	\$2,005,500	\$354,500

The City Hall "B" Building includes a 12,900 square foot roof replaced in summer 2010; modifications to the roof will be designed and installed to incorporate engineered soil and garden plant applications. The "green" roofing system will reduce stormwater runoff and stormwater pollution as well as decrease energy demand in the building. The project will also incorporate permeable asphalt segments in the adjacent parking lot to control runoff of pollutants to surface waters and protect groundwater supply.

Cornerstone Park is 13,000 square feet and located at the corner of Stone and Broad Streets. The park infrastructure is deteriorated and requires updating and restoration of the existing water fountain, new pavers and landscaping. Proposed improvements to assist in stormwater runoff in this dense area 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.

The Department of Environmental Services, Bureaus of Operations and Architecture & Engineering will evaluate several sites in the City for demonstration projects with the application of permeable sidewalks. The application will allow for fifty sites with existing sidewalks to be replaced with permeable sidewalks and tree plantings, which will allow for significant reductions in stormwater runoff and serve as a demonstration project for future sidewalk and landscaping applications.

Lastly, a new connector street planned for construction between Emerson Street and Locust Street, approximately mid-block between Dewey and Fulton Avenues, will incorporate a rain garden, porous concrete sidewalks and permeable pavement.

The City's required matching funds for Cornerstone Park Green Infrastructure Improvements and City Hall Green Roof and Permeable Parking Lot will be provided for under the Contingency transfer. The Citywide Porous Sidewalk and Landscap-

ing Applications will be incorporated into programmed City transportation improvement projects with the required match provided in the DES Capital Improvement Program, Transportation Category. The City match of the Emerson / Locust Connector Street Drainage Applications will be funded from a bond appropriated in Ordinance No. 2009-157 for street improvements.

These grants will further the City's contributions to reducing greenhouse gas emissions, protecting water quality and creating models of sustainable community action.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-37
(Int. No. 45)

Approving Water Quality Improvement Projects

WHEREAS, funds are available for the Projects listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects; and

WHEREAS, the City of Rochester herein called the "City", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the City deems it to be in the public interest and benefit under this law to enter into a contract therewith.

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

Section 1. The Acting Mayor, R. Carlos Carballada, or the Acting Mayor's successor in office, is the representative authorized to act in behalf of the City Council in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the City Council in all matters related to the Project and to State assistance.

Section 2. The City agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.

Section 3. The sum of \$2,005,500 is hereby

appropriated from anticipated reimbursements from the New York State Department of Environmental Conservation to finance Water Quality Improvement Program (WQIP) Grant Projects for City green infrastructure improvements as follows, and the Mayor as representative is authorized to act on behalf of the City in all matters relating to State assistance under the WQIP, subject to approval of the local match where not already approved:

<u>Project</u>	<u>Total Cost</u>	<u>State Grant</u>	<u>Local Match</u>
City Hall Green Roof Installation And Permeable Parking Lot	\$ 890,000	\$ 756,000	\$134,000
Cornerstone Park Green Infrastructure Improvements	850,000	722,500	127,500
Emerson/Locust Connector Street Drainage Applications	300,000	255,000	45,000
Citywide Porous Sidewalk and Landscaping Applications	<u>320,000</u>	<u>272,000</u>	<u>48,000</u>
Total	\$2,360,000	\$2,005,500	\$354,500

Section 4. The City share of the City Hall and Cornerstone Projects shall be funded from the 2010-11 Cash Capital allocation. The City share of the Emerson/Locust Connector Street Drainage Project shall be funded from Bond Ordinance No. 2009-157. The City share of the Citywide Porous Sidewalk and Landscaping Project shall be funded from transportation program funds.

Section 5. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$261,500 from the Contingency Account to the Cash Capital allocation to fund the City share of the City Hall and Cornerstone Projects.

Section 6. The City Clerk shall prepare and send to the Albany office of the New York State Department of Environmental Conservation one certified copy of this ordinance.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-38
Re: Temporary Easement - 103 Court Street

Transmitted herewith for your approval is legislation authorizing the acceptance by donation of a temporary easement over a .48 acre portion of 103 Court Street by Lehigh Station, LLC, a holding company of the Farash Corporation.

The easement allows for continuous build-out of the Genesee River Trail to connect to Downtown, the South Wedge, Erie Harbor, and the University of Rochester, and will enable the implementation of phase one of public improvements as recommended in the Erie Harbor Park Master Plan. The easement is a strategic component for advancing recommendations of the South River Corridor Land Use Plan, the City's Local Waterfront Revitalization Plan, and the Erie Harbor Park Master plan.

Incorporation of this parcel will dramatically improve site lines, access to a major section of Rochester's downtown riverfront, and correct potentially hazardous conditions associated with the Johnson Seymour Raceway. It will also allow the start of construction on the first of three phases to build and connect a public waterfront promenade on one of the City's most strategic and undeveloped waterfront parcels.

Preliminary concepts for the first phase of Erie Harbor Park involve the relocation of a security fence, paving asphalt trails, establishing turf, minor landscaping, and installation of signage.

Authorization of this easement is the first step being undertaken to help clean up this underutilized parcel and stimulate further development on the overall property. The temporary easement has an initial term of ten years, and can be terminated upon the City's receipt of a *bona fide* site plan application for private development on the site.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-18

Ordinance No. 2011-38
(Int. No. 46)

Approving Acceptance Of An Easement

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 temporary easement over portions of approximately 0.48 acres of 103 Court Street, SBL No. 121.310-1-33, from the current owner, Lehigh Station, LLC for ten years, for use for a connection to the Genesee River Trail. The easement may terminate through the City's receipt of a bona fide site plan application for private development on the site.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-39
Re: Amendatory Agreement - Fisher Associates, Jefferson Avenue

Revitalization Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Fisher Associates, Rochester 14623, for additional design services for the Jefferson Avenue Revitalization Project. The original agreement, authorized in July 2009, provided maximum compensation of \$230,000; an amendatory agreement in April 2010 (Ordinance No. 2010-125) authorized \$35,000 for additional design services. This second amendment will increase compensation by \$15,000 for a total of \$280,000. The additional cost will be funded from the 2005-06 Cash Capital allocation of the Department of Environmental Services.

The project includes installation of a new water main system from Seward Street to Columbia Avenue. Design of the water main assumed a limited amount of conflict with underground rock in the project area. Test pits performed by the Water Bureau confirmed the depth of rock to be 2 feet to 2.5 feet below the surface from Magnolia Street northerly to Columbia Avenue, consistent with record drawings.

However, during the private utility phase of the project, which began in fall 2010, the rock depth south of Magnolia Street to South Plymouth Avenue was found to be inconsistent with the record drawings. The additional design services are to redesign the new water main system to incorporate a temporary above-ground piping system during construction.

Public meetings regarding the larger project were held on November 30, 2009, March 24, 2010 and September 27, 2010. Copies of the meeting minutes are on file with the City Clerk's office.

It is anticipated the design will be completed in early 2011; construction will begin in spring/summer 2011 with substantial completion by fall 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-19

Ordinance No. 2011-39
(Int. No. 47)

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 \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Fisher Associates for engineering planning and design services for the Jefferson Avenue Revitalization 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 2005-06 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-40
Re: Amendatory Agreement - Constellation
NewEnergy, Inc., Electricity Supply

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Constellation NewEnergy, Inc. for the continued supply of electricity to all City facilities, including street lighting accounts, public libraries, the Blue Cross Arena, and the Rochester Riverside Convention Center. The original agreement was authorized by City Council in September 2005 (Ord. No. 2005-295), with an amendatory agreement in December 2007 (Ord. No. 2007-456).

Constellation NewEnergy was selected in 2005 through a detailed request for proposal process; they were recommended based on the price package offered, experience with large municipal customers, their presence in the Rochester area, and their commitment to the continued development of green initiatives.

This amendment will extend the term of agreement through January 2014. The City will initially pay a variable rate for electricity, but has the option to switch to a fixed rate at any time.

Funding for the agreement shall be provided from the 2010-11 and subsequent City budgets, contingent upon approval of subsequent budgets.

Respectfully submitted,
R. Carlos Carballeda
Acting Mayor

Ordinance No. 2011-40
(Int. No. 48)

Authorizing An Amendatory Agreement For The Supply Of Electricity To City Facilities

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Constellation NewEnergy, Inc. for the supply of electricity, as a commodity, to all City facilities, including street lighting accounts, public libraries, the Blue Cross Arena at the War Memorial and the Rochester Riverside Convention Center, for an additional term not to exceed two years.

Section 2. The amendatory agreement may obligate the City to initially pay a variable rate for

the electricity, but the Mayor is authorized to exercise an option for a fixed rate at any time. Funding shall be provided from the 2010-11 and subsequent City budgets, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-41
Re: Agreement - O'Brien & Gere, Inc.,
Environmental Investigation Services

Transmitted herewith for your approval is legislation establishing \$149,300 as maximum compensation for an agreement with O'Brien & Gere Engineers, Inc., Rochester, for environmental investigation services at 24 Seneca Avenue and appropriating \$126,808 from an Environmental Restoration Program (ERP) grant through the New York State Department of Environmental Conservation (NYSDEC) to finance a portion of the agreement. The remaining amount of the agreement, \$22,492, will be funded from 2006-07 (\$12,492) and 2009-10 (\$10,000) Cash Capital.

The site consists of one parcel measuring approximately 2.79 acres, and is located in a commercial/industrial area on the north side of Norton Street at the intersection of Seneca Avenue. Currently, property taxes for the site are in arrears in excess of \$745,000. Under the NYS Environmental Conservation Law, the City secured access to the property for the purpose of conducting environmental investigations.

O'Brien & Gere, under a previous agreement (Ordinance No. 2007-317), completed a remedial investigation of the site in April 2010. However, the NYSDEC has identified additional investigation requirements that need to be satisfied before a remedial plan and cost estimate can be prepared.

Under the new agreement, O'Brien & Gere will conduct a supplemental remedial investigation to more completely define the nature and extent of contamination at the site. Investigation tasks will include soil and groundwater sampling and evaluation; hydraulic conductivity testing; dye testing of site drains and drywells; health and safety and community air monitoring; waste stream management; and additional soil vapor intrusion sampling at both on- and off-site locations.

The resulting data will be used to complete a final remediation investigation report and vapor intrusion study report, and to select a proposed remedial action plan and cost estimate.

The firm of O'Brien & Gere is recommended based

on its successful completion of the initial scope of work and level of familiarity with the site.

The agreement will have a term of one year with an option for a one-year renewal. The additional investigation and remedy selection are expected to be completed by December 2011.

Once a remedial action plan has been approved by the NYSDEC and a cleanup cost estimate prepared, the City will be in a position to evaluate the consequences of foreclosing on the 24 Seneca Avenue parcel as well as potential reuses of the site.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-41
(Int. No. 49)

Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of 24 Seneca Avenue

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

Section 1. The sum of \$149,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and O'Brien & Gere Engineers, Inc. to complete a supplemental remedial investigation, soil vapor intrusion study and remedial alternatives report for 24 Seneca Avenue. Of said amount, \$126,808 is hereby appropriated from New York State Environmental Restoration Program Grant Funds, \$12,492 shall be funded from the 2006-07 Cash Capital allocation and \$10,000 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:

Ordinance No. 2011-42
Re: Agreement - Lu Engineers, 415 Orchard Street and 354 Whitney Street Environmental Cleanup

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lu Engineers for environmental cleanup services at 415 Orchard Street and 354 Whitney Street. The original agreement, authorized in May 2006, established compensation of \$465,100. This amendment will increase compensation by \$482,400. To partially fund the agreement, this legislation will also authorize appropriations as follows:

- 1. \$200,000 from a US Environmental Protection Agency (USEPA) Brownfield Cleanup grant; and

- 2. \$47,432 from a New York State Environmental Restoration Program (NYSERP) brown-field cleanup grant.

The balance of the cost of the agreement will be funded from previously appropriated NYSERP grant funds (Ordinance No. 2007-353) in the amount of \$125,000; and from previously authorized bonds (Ordinance No. 2006-227) in the amount of \$150,000. The balance of the appropriated EPA grant funds, \$40,000, will be used to reimburse the City for staff and supply costs required to conduct the project.

The four-acre site is currently owned by the City and was previously the location of the former AC Delco Appliance facility.

Lu Engineers completed a detailed environmental site investigation in June 2009 as authorized through Ordinance No. 2006-107. The consultant will now complete additional subsurface investigations needed to develop a remedial work plan. Cleanup activities will include the removal of abandoned underground storage tanks, hydraulic lifts, and a former plating area; and the proper handling, management, and disposal of all contaminated soils, groundwater, wastes, and building materials.

It is anticipated that, with the completion of these remedial steps, the New York State Department of Environmental Conservation will determine that no additional cleanup will be required. Lu Engineers will also complete an evaluation of engineering, geotechnical, utility, and infrastructure conditions which may have an impact on the future use of the property.

Subsurface environmental investigation and remedial activities are expected to be completed by January 2012.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-42
(Int. No. 50)

Establishing Maximum Compensation For A Professional Services Agreement For Cleanup Of The Former AC Delco Appliance Site

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

Section 1. The sum of \$482,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers to complete supplemental interim remedial measures and a pre-development conditions analysis for the former AC Delco Appliance site at 415 Orchard Street and 354 Whitney Street. Of said amount, \$125,000 shall be funded from the New York State Environmental Restoration Program Grant funds appropriated in Section 2 of Ordinance No. 2007-353, \$47,400 shall be funded from the

New York State Environmental Restoration Program Grant funds appropriated in Section 3, \$160,000 shall be funded from the appropriation made in Section 2 and \$150,000 shall be funded from Bond Ordinance No. 2006-227.

Section 2. The sum of \$200,000 is hereby appropriated from United States Environmental Protection Agency Brownfield Cleanup Grant Funds to fund the cleanup of the site.

Section 3. The sum of \$47,432 is hereby appropriated from New York State Environmental Restoration Program Grant Funds to fund the cleanup of the site.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-43,
Ordinance No. 2011-44 and
Ordinance No. 2011-45

Re: Agreement - Lu Engineers, Westfield Street and Penhurst Street Improvements

Transmitted herewith for your approval is legislation related to the Westfield Street and Penhurst Street Improvement Project. This legislation will:

1. Establish \$232,000 as maximum compensation for a professional services agreement with Lu Engineers, Pittsford, NY, for Resident Project Representation (RPR) services. The cost of the agreement will be funded from the appropriations requested herein;
2. Authorize the issuance of bonds totaling \$1,806,000 and the appropriation of the proceeds thereof to finance the cost of the street and sewer improvements; and
3. Authorize the issuance of bonds totaling \$500,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements.

The project includes new granite stone curb, pavement reconstruction (on Westfield Street), replacement of sidewalks as necessary, water service replacement, driveway aprons, catch basins, infill tree planting and lawn restoration. The project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering.

Bids for construction were received on February 8, 2011. The apparent low bid of \$1,885,734.72 was submitted by Villager Construction, Inc. which is 18.7% less than the engineer's estimate. An additional \$211,349 will be allocated for project contingencies which include street lighting costs, tree plantings and other items not included in the contract.

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 bond	\$1,456,155	\$183,400	
		\$166,445	\$1,806,000
Water bond	408,596	48,600	
		42,804	500,000
Traffic calming cash	20,984		
	<u>2,100</u>	<u>0</u>	<u>23,084</u>
Total	\$1,885,735	\$232,000	
	\$211,349	\$2,329,084	

A request for qualifications was posted to the City's website: four firms responded: Clark Patterson Lee; Lu Engineers; Passero Associates; and Stantec Consulting Services. Lu Engineers was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project.

A public meeting was held on August 24, 2010; the minutes are attached. It is estimated that this project will create or retain 23 jobs. Construction is scheduled to begin in April 2011 and be completed in September 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-20

Ordinance No. 2011-43
(Int. No. 54)

Establishing Maximum Compensation For A Professional Services Agreement For The Westfield Street And Penhurst Street Improvement Project

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

Section 1. The sum of \$232,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for resident project representation services related to the Westfield Street and Penhurst 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, \$183,400 shall be funded from a bond ordinance adopted for street purposes and \$48,600 shall be funded from a bond ordinance adopted for water purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-44
(Int. No. 55)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,806,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Westfield Street And Penhurst 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 Westfield Street and Penhurst Street Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,806,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,806,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,806,000 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. 2011-45
(Int. No. 56)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$500,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Westfield Street And Penhurst 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 Westfield Street and Penhurst 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 \$500,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$500,000 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 \$500,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$500,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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. 2011-46
Re: Agreement - Erdman Anthony, 2011
Federal Aid Preventive Maintenance
Transportation Project

Transmitted herewith for your approval is legislation related to a Federal Aid street improvement project. This legislation will:

1. Establish \$75,000 as maximum compensation for an agreement with Erdman Anthony, Rochester 14623, for design services for the 2011 Preventative Maintenance at Three Locations Project. The cost of the agreement will be funded from 2010-11 Cash Capital (\$15,000) and from Federal Aid appropriations (\$60,000).

- 2. Amend Ordinance No. 2010-330 to reflect the change in source of funds for the design services agreement. The source was originally identified as the 2010-11 Budget of the Department of Environmental Services.
- 3. Appropriate an additional \$9,409 in Federal aid for the cost of project design.

This project includes three locations: Otis Street (Mt. Read Boulevard to Sherman Street), University Avenue (North Street to East Main Street), and South Avenue (Griffith Street to Woodbury Boulevard). Improvements will include milling and resurfacing pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance surface drainage and riding quality of the roadway, improve handicap accessibility, and extend the useful life of the pavement.

Ordinance No. 2010-330 previously authorized an agreement with the New York State Department of Transportation (NYSDOT) to administer the project, committed City funds in the amount of \$74,490 for project design costs, and appropriated \$59,591 in Federal Aid.

The project was initially planned to be designed in-house. However, staff vacancies and project schedule constraints from NYSDOT led to the recommendation of consulting design services. Qualifications were solicited from fourteen firms approved by NYSDOT. Nine responded: Erdman Anthony, Barton & Loguidice, P.C., C&S Companies, Hunt Engineers, Architects and Land Surveyors, Fisher Associates, Lu Engineers, Popli Design Group, Ravi Engineering & Land Surveying, P.C., and T.Y. Lin International. Based on their qualifications and approach to the project, Erdman Anthony was selected.

Total costs for design of the project, including City administrative costs of \$11,250, are estimated to be \$86,250. Federal Aid in the amount of \$69,000 will reimburse the City for 80% of eligible costs; local funds will support the balance. Ordinance No. 2010-330 appropriated \$59,591 for the originally estimated Federal share; additional Federal Aid, in the amount of \$9,409, is available to finance the current estimate.

Design services will begin in spring 2011; it is anticipated that construction will begin in summer 2011, with scheduled completion in fall 2011. This project results in one job created or retained.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-21

Ordinance No. 2011-46
(Int. No. 57)

Establishing Maximum Compensation For A

Professional Services Agreement For The 2011 Preventive Maintenance Projects

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 Erdman Anthony & Associates, Inc. for design services for the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$15,000 shall be funded from the 2010-11 Cash Capital allocation and \$60,000 shall be funded from the Federal Highway Administration funds appropriated in Section 5 of Ordinance No. 2010-330 and from the appropriation made in Section 2.

Section 2. The sum of \$9,409 is hereby appropriated from funds to be received from the Federal Highway Administration to pay for design services for the Preventive Maintenance at Three Locations Transportation Improvement Project.

Section 3. Ordinance No. 2010-330, relating to the 2011 Preventive Maintenance at Three Locations Transportation Improvement Project, is amended to replace the funding identified therein with the funding identified in this ordinance, and to appropriate the Federal Highway Administration funds in Section 5 to fund design services through this agreement instead of through the City.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-47 and
Ordinance No. 2011-48
Re: US Environmental Protection Agency
Regulation Compliance - Rush Reservoir
Liner and Floating Cover Project

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$1,965,000 of the Water Fund balance to Cash Capital; and authorizing the issuance of bonds totaling \$8,535,000 and the appropriation of the proceeds thereof to finance the Rush Reservoir Liner and Floating Cover Project.

The City is required by the Environmental Protection Agency (EPA) Long Term 2 Enhanced Surface Water Treatment Rule (LT2) to bring its three uncovered drinking water reservoirs into compliance. Phase I included the design and installation of a liner for the Highland Reservoir.

Phase II includes the design and installation of a liner and floating cover for Rush Reservoir. And Phase III will address both Cobbs Hill and High-

land Reservoirs with the installation of ultraviolet disinfection treatment systems. Completion of all three phases of the project is expected by 2014.

Rush Reservoir was constructed in 1874-76. Prior repairs were conducted in 1991 when the reservoir was taken offline for silt removal and repairs. During that project, soft spots were identified in the dirt floor of the reservoir, requiring installation of a buttress wall to the eastern reservoir embankment to improve the stability of the structure.

The current project will include the installation at Rush Reservoir of a new liner that will prevent water from leaking through the basin, and a floating cover system to prevent airborne and animal contamination. Also included are modifications to the water supply lines to improve and maintain water quality, and repairs to various reservoir structures that have deteriorated with age.

Project design and RPR services will be provided by Malcolm Pirnie, Inc., as authorized in March 2010 (Ordinance No. 2010-78). Bids for the improvements were received on January 27, 2011. The general construction work will be performed by Crane Hogan Structural Systems, Inc. at a cost of \$9,382,900, which is 22% less than the engineering estimate. The electrical construction work will be performed by Hewitt Young LLC at a cost of \$185,300, which is 8% less than the engineering estimate. An additional \$931,800 representing 10% of project construction value will be provided for contingencies.

Construction will begin in spring 2011 with completion in fall 2012.

Using the ARRA guidelines of a \$92,000 investment as the value of one job, it is anticipated that a total of 104 jobs will be created or retained through this project.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-22

Ordinance No. 2011-47
(Int. No. 58)

Amending The 2010-11 Budget For The Rush Reservoir Liner and Floating Cover Improvement Project

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$1,965,000, which amount is hereby appropriated from the fund balance of the Water Fund to fund the Rush Reservoir Liner and Floating Cover Improvement Project.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2011-48
(Int. No. 59)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$8,535,000 Bonds Of Said City To Finance The Cost Of Construction Of The Rush Reservoir Liner And Floating Cover Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of the Rush Reservoir Liner and Floating Cover Improvement Project, which includes the installation of a liner and floating cover system for the Rush Reservoir, modifications to the water lines that supply the Rush Reservoir, and improvements to structures within the Rush Reservoir, and necessary engineering services (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 \$10,500,000. The plan of financing includes the issuance of \$8,535,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,965,000 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$8,535,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$8,535,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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 gen-

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-49
Re: Geometric Changes - East Broad, Chestnut and Court Streets Improvement Project

Transmitted herewith for your approval is legislation authorizing geometric changes for the East Broad, Chestnut and Court Streets Improvement Project; authorizing a change in the direction of traffic flow on East Broad Street between Broadway and Chestnut Street from one way westbound to two-way traffic; and the removal of a roadway known as James Street. The changes are specified in the legislation.

The project includes the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains, as required; and tree planting. The intent of the pavement width changes is to improve the flow of traffic while also making these corridors more pedestrian and bicycle friendly.

Incorporated in the geometric changes is the elimination of what is known as James Street, from Broadway to Chestnut Street; the pavement will be converted to grassland but shall remain part of the right-of-way.

Future legislative approvals will be sought for additional right-of-way as part of the project.

Construction is scheduled to begin in spring 2011, with substantial completion by spring 2012.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-23

Ordinance No. 2011-49
(Int. No. 53)

Approving Geometric Changes And Changes In The Pavement Width Of Chestnut Street, Court Street, Manhattan Square Drive, Broadway And East Broad Street, And The Removal Of The James Street Roadway As Part Of The East Broad Street/Chestnut Street/Court Street Improvement Project

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

Section 1. The Council hereby approves the following changes in the pavement width of Chestnut Street from Pitkin Street to Broad Street as part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

- a. A variable decrease from an existing variable width of 82 feet to 77 feet to a proposed variable width of 82 feet to 61 feet (a variable narrowing of 0 feet to 16 feet) from 180 feet south of Johnson Street to 70 feet north of Johnson Street;

- b. A decrease from an existing 77 foot width to a proposed width of 61 feet (a narrowing of 16 feet) from 98 feet south of Woodbury Boulevard to Woodbury Boulevard;
- c. A decrease from an existing 66 foot width to a proposed width of 61 feet (a narrowing of 5 feet) from Woodbury Boulevard to 70 feet north of Woodbury Boulevard;
- d. An increase from an existing 66 foot width to a proposed width of 77 feet (a widening of 9 feet) from the above point to 200 feet north of Woodbury Boulevard;
- e. A decrease from an existing 76 foot width to a proposed width of 69 feet (a narrowing of 7 feet) from the point above to a point 210 feet south of Court Street;
- f. An increase from an existing 66 foot width to a proposed width of 69 feet (a widening of 3 feet) from the above point to 70 feet south of Court Street;
- g. A decrease from an existing 66 foot width to a proposed width of 61 feet (a narrowing of 5 feet) from the point above to Court Street;
- h. Remove the slip ramps from eastbound Court Street to southbound Chestnut Street and from northbound Chestnut Street to eastbound Court Street; and
- i. An increase from an existing 50 foot width to a proposed width of 52.5 feet (a widening of 2.5 feet) from Court Street to Broad Street.

Section 2. The Council hereby further approves the following changes in the pavement width of Court Street from Chestnut Street to Broadway as part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

- a. A decrease from an existing 44 foot width to a proposed width of 24 feet (a narrowing of 20 feet) from Chestnut Street to a point 125 feet east of Chestnut Street;
- b. A decrease from an existing 44 foot width to a proposed width of 38 feet (a narrowing of 6 feet) from the point above to a point 365 feet east of Chestnut Street;
- c. A decrease from an existing 44 foot width to a proposed width of 30 feet (a narrowing of 14 feet) from the point above to a point 410 feet east of Chestnut Street;
- d. A decrease from an existing 44 foot width to a proposed width of 38 feet (a narrowing of 6 feet) from the point above to a point 490 feet east of Chestnut Street; and
- e. A variable decrease from an existing width of 44 feet to a proposed variable width of 38 feet starting from the point above (a narrowing of 6 feet) to a proposed width of 12 feet

(a narrowing of 32 feet) at the proposed roundabout.

Section 3. The Council hereby further approves the following changes in the pavement width of Manhattan Square Drive as part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

- a. A decrease from an existing 22 foot width to a proposed width of 12 feet (a narrowing of 10 feet) from the proposed roundabout to 40 feet south of the proposed roundabout.

Section 4. The Council hereby further approves the following changes in the pavement width of Broad Street from Chestnut Street to Pitkin Street as part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

- a. An increase from an existing 36 foot width to a proposed width of 48 feet (a widening of 12 feet) from Chestnut Street to 65 feet east of Chestnut Street;
- b. A variable increase from the existing 36 foot width to a proposed variable width of 55 feet starting from the point above (a widening of 19 feet) to a width of 45 feet 438 feet east of Chestnut Street (a widening of 9 feet);
- c. A variable increase tapering to a variable decrease from an existing width of 36 feet to a proposed variable width of 37 feet (a 1 foot increase) starting from the point above and tapering to a variable width of 30 feet (a decrease of 6 feet) at the proposed roundabout;
- d. A decrease from an existing 84 foot width to a proposed width of 39 feet (a narrowing of 45 feet) from starting at the proposed roundabout to 65 feet east of the proposed roundabout;
- e. A decrease from an existing 84 foot width to a proposed width of 47 feet (a narrowing of 37 feet) from the point above to 130 feet east of the proposed roundabout;
- f. A decrease from an existing 84 foot width to a proposed width of 55 feet (a narrowing of 29 feet) from the point above to 272 feet east of the proposed roundabout;
- g. A decrease from an existing 84 foot width to a proposed width of 47 feet (a narrowing of 37 feet) from the point above to 316 feet east of the proposed roundabout;
- h. A variable decrease from the existing 84 foot width to a proposed variable width of 55 feet starting from the point above (a narrowing of 29 feet) to a width of 59 feet 607 feet east of the proposed roundabout (a narrowing of 25 feet);
- i. A decrease from an existing 84 foot width to a proposed width of 52 feet (a narrowing of

32 feet) from 45 feet west of Pitkin Street to Pitkin Street.

Section 5. The Council hereby further approves the removal of the roadway known as James Street located within the East Broad Street right of way from Broadway to Chestnut Street.

Section 6. The Council hereby further approves the following changes in the pavement width of Broadway as part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

- a. A variable decrease from an existing width of 32 feet to a proposed variable width of 32 feet starting 145 feet north of the proposed roundabout to a proposed width of 30 feet (a narrowing of 2 feet) at the proposed roundabout.

Section 7. The Council hereby further approves the following geometric changes in the intersection of East Broad Street, Court Street, Broadway and Manhattan Square Drive as part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

- a. The installation of a circular, 52 foot diameter center island;
- b. The installation of a 33 foot wide circulatory truck apron around the island; and
- c. The installation of a 16 foot wide circulatory traffic lane around the truck apron.

Section 8. 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 9. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
February 22, 2011

To the Council:

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

Int. No. 51 - Amending The 2010-11 Budget For The Emergency Communications Department

Int. No. 52 - Establishing Maximum Compensation For A Professional Services Agreement For A Computerized Records Management System For The Rochester Fire Department

Respectfully submitted,
Adam C. McFadden
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-50
Re: Budget Amendment - Emergency Communications

Transmitted herewith for your approval is legislation amending the 2010-11 Budget of the Emergency Communications Department (ECD) by \$224,700 to reflect an anticipated reimbursement from Monroe County.

These funds will be used to purchase a recorder system that is compatible with Windows 7. In order to get the replacement system installed as soon as possible, the City will order the system and will be reimbursed by the County through the City County 911 Operating Agreement.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-50
(Int. No. 51)

Amending The 2010-11 Budget For The Emergency Communications Department

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Emergency Communications Department by the sum of \$224,700, which amount is hereby appropriated from funds to be received from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-51
Re: Agreement - Alpine Software Corp.

Transmitted herewith for your approval is legislation authorizing an annual agreement with Alpine Software Corporation, Pittsford, NY for software technical support and maintenance. Maximum compensation for first year, \$36,000, will be funded from the 2010-11 Budget of the Fire Department. Subsequent years will be financed from the annual budgets of the Fire Department, contingent upon approval, and will include an annual increase not to exceed 4%.

Red NMX software is unique for fire service operations and provides an integrated records management system to facilitate administrative and incident data management and report generation. The RFD is required to gather incident data for all calls for service per the National Fire Incident Reporting System (NFIRS) mandated by the Federal Emergency Management Agency. The system captures incident data, as well as other administrative functions, including:

- Annual NFIRS Reporting
- Personnel Data and Reports
- Daily Rosters
- Fire Safety Inspections and Violations Tracking
- Fire Safety Permits and Tracking

The RFD has successfully used RedNMX for the last five years. The agreement will be for one year, with options for five one-year renewals.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-24

Ordinance No. 2011-51
(Int. No. 52)

Establishing Maximum Compensation For A Professional Services Agreement For A Computerized Records Management System For The Rochester Fire Department

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

Section 1. The sum of \$36,000, 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 the Alpine Software Corporation for software technical support and maintenance for a computerized records management system for the Rochester Fire Department. Said amount shall be funded from the 2010-11 Budget of the Fire Department. The agreement may be renewed for 5 additional years, with annual increases not to exceed 4%, which amounts shall be funded from the annual budgets of the Fire Department, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:34 pm

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MARCH 22 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services

*Virginia L. Beard

*Gary G. Jelks

*James G. Sanagorski

*Gordon L. Stringer

Fire Department

*Samuel Alicata

*Frederick E. Chesterton, Jr.

Police Department

*Charles J. Dominic

*Joseph R. Guelli

*Sherman L. Scott

*John Zampatori

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of February 22, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Administrative Cancellation or Refund of

Erroneous Taxes and Charges 4044-11

Quarterly Reports 4045-11

General Liability Claims

Workers Compensation Claims

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition opposing prohibition on cash payments by pawnbrokers for pawned items, 2152 signatures. Petition No. 1649

PUBLIC HEARINGS.

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

Changing The Traffic Flow On Van Stallen Street From Joseph Avenue To Klein Street From Two-Way To One-Way Eastbound Int. No. 76
1 speaker Ms. Hernandez.

Local Improvement Ordinance - Public Improvements At 500 University Avenue As A Part Of The University Avenue And ARTWalk Extension Improvement Project Int. No. 99 3 speakers Richard Margolis, Moira Lemperle, Doug Rice.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 83 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 84 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
March 22, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 63 - Amending The 2010-11 Budget, As Amended

Int. No. 64 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Protection Services, As Amended

Int. No. 65 - Authorizing A Collections Agreement For The Parking/Municipal Code Violations Bureau

Int. No. 66 - Authorizing Extension Of Agreements For Merchant Card Payments

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-52
Re: Budget Amendment - 2010-11 Savings
In Preparation for 2011-12 Budget

Transmitted herewith for your approval is legislation amending the 2010-11 Budget to increase the Tax Relief Account in the Undistributed Budget; provide funds for Fire equipment; and to provide funds for repairs at the Blue Cross Arena.

Tax Relief Account. The Senior Management Team has identified and implemented a number of mid-year cost saving measures to offset midyear reductions in State aid, and reductions in County support for downtown public safety. To date, \$4.8 million in savings have been identified; of this amount, \$2,788,700 will be transferred into the Undistributed Budget Tax Relief Account to

create a pool of resources that can be used to help close the projected \$50 million 2011-12 budget gap. The remaining amount (approximately \$2 million) will remain in department operating budgets and will not be spent to ensure we complete the current fiscal year in a positive position as expected by the credit rating agencies.

Currently, the City has 85 vacant full-time positions, and 23 of them will be affected through this mid-year effort. Sixteen of these vacant positions will be held vacant for an extended period of time, and seven will be eliminated. In addition, the elimination of eight filled full-time positions and seven filled part-time positions will result in layoffs this spring as part of this cost cutting effort.

The following departmental saving transfers are proposed:

Mayor's Office	\$ 93,700
Council and Clerk	5,500
OMB	121,300
HRM	90,000
Communications	110,000
Law	94,100
NBD	261,800
Finance	149,900
Library	18,100
Environmental Services	231,000
Recreation and Youth Services	114,700
Police	942,900
Fire	515,700
Cash Capital	40,000
Total	\$2,788,700

Program changes are limited to the following:

- Cancellation of City support of the planned restoration of the library bookmobile service.
- An automatic voice response system is now the initial screening at 311, enabling a reduction in call volume handled by 311 staff.
- Cancellation of the omnium bike race.
- Cancellation of the police and fire recruit class.
- Reinstatement of contract security services at the Parking Garages.

The Senior Management Team continues to pursue additional cost saving measures and will provide updates to City Council as the preparation of the 2011-12 budget proceeds.

Fire Department Equipment A total of \$364,000 will be transferred from contingency to cash capital to fund Self Contained Breathing Apparatus (SCBAs) for the Fire Department. The SCBAs are near the end of their warranty period and this allocation, combined with the planned 2011-12 allocation, will enable the department to initiate the purchasing process.

Blue Cross Arena at the War Memorial. A total of \$200,000 will be transferred from the War Memorial Fund balance to Cash Capital and appropriated to fund health and safety repairs at the Blue Cross Arena.

The installation of catwalk cabling at the Blue Cross Arena is to be used to tie off event riggers during the installation of such things as sound and lighting equipment to support events. This requirement is to maintain on-going safety and liability and potential OSHA regulatory requirements.

Also, the tunnel under Exchange Street that connects the Civic Center Garage to the Arena is experiencing water infiltration. It is likely that the water is coming in from above the tunnel through deteriorated concrete and fill materials covering the tunnel roof. Repairs will correct this problem and thereby protect the public who use this tunnel.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-52
(Int. No. 63, As Amended)

Amending The 2010-11 Budget

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by decreasing revenue estimates from state aid and the following appropriations by the sum of \$2,788,700 and by transferring said sum to the Tax Relief Account in Undistributed Expense:

Mayor's Office	\$ 93,700
Council and Clerk	5,500
Office of Management and Budget	121,300
Human Resource Management	90,000
Communications	110,000
Law	94,100
Neighborhood and Business Development	261,800
Finance	149,900
Library	18,100
Environmental Services	231,000
Recreation and Youth Services	114,700
Police	942,900
Fire	515,700
Cash Capital	40,000

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$364,000 from the Contingency allocation to the Cash Capital allocation to fund the purchase of self contained breathing apparatus for the Fire Department.

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$[200,000] 75,000, which amount is hereby appropriated from the fund balance of the War Memorial Fund to fund health and safety repairs at the Blue Cross Arena at the War Memorial.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-53
Re: Agreement - Dox Electronics, Inc.,
Network Intrusion Protection System

Transmitted herewith for your approval is legislation establishing \$48,977 as maximum compensation for an agreement with Dox Electronics, Rochester 14607, for the purchase and installation of a network intrusion protection system and three years of technical support. The cost of this agreement will be funded from 2008-09 Cash Capital.

The system is a hardware device that examines all network traffic between the City and outside sources for evidence of viruses and malicious activity. The system can be configured to warn administrators and/or block activity when malicious actions are suspected.

The system currently in place was purchased several years ago (prior to 2005) from City SecurityMetrics, Inc. (Orem, UT). Device software updates from SecurityMetrics have increasingly been poorly designed, resulting in device failure and, in some cases, internet outages. Additionally, low rates of detection by the device have necessitated a highly manual process for reviewing dozens of new events each day. The maintenance agreement with SecurityMetrics expired on February 14, 2011 and has not been renewed.

Requests for quotes were sent to Dox Electronics, Vandis, Inc. (Albertson, NY) and SourceFire, Inc. (Columbia, MD). Dox Electronics returned the low bid.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-53
(Int. No. 64, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Computer Protection Services

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

Section 1. The sum of \$[48,977] 54,609, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dox Electronics for the purchase and installation of a computer network intrusion protection system and three years of technical support. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-54
Re: Agreements - Parking and Municipal Code Violations Collection Services

Transmitted herewith for your approval is legislation authorizing an agreement with EOS CCA, Rochester 14623, for the collection of unpaid parking and municipal code violations. The cost of these services will be financed from the collection revenues.

All parking violation and municipal code violations that remain unpaid ninety days after issuance become, by default, civil judgments. Since 1979, the collection of these judgments has been assigned to private companies.

Agreements with two collection companies, Credit Bureau of Rochester (currently EOS CCA), and Mercantile Adjustment Bureau, were authorized by the City Council in November, 2007. These agreements expired December 31, 2010. In the past, the total annual commission for both companies (30% and 24% of collections, respectively) averaged \$400,000. In 2009-10, EOS CCA collected \$601,275, earning a commission of \$180,382, resulting in revenue for the City of \$420,893.

In December, the Department of Finance issued a request for proposals for collection services. Proposals were received from five firms: EOS CCA; Mercantile Adjustment Bureau, LLC, Rochester 14611; Penn Credit Corporation, Harrisburg, PA; MSB Government Services, Austin, TX; and Duncan Solutions, Milwaukee, WI. Proposals were evaluated by Parking Bureau staff and rated on corporate experience, collection performance, and credit reporting procedures. Based on ratings, EOS CCA is recommended.

EOS CCA also proposed that as a single provider they would reduce their commission to 12% of total collections, resulting in an annual savings to the City of over \$244,000 compared to average

annual commissions paid to both previous providers.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-54
(Int. No. 65)

Authorizing A Collections Agreement For The Parking/Municipal Code Violations Bureau

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 EOS CCA for the collection of unpaid parking and Municipal Code violations judgments for a term of three years, with options for two annual extensions.

Section 2. The agreement shall authorize EOS CCA to retain twelve percent (12%) of the amount collected as commission.

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. 2011-55
Re: Amendatory Agreements - M&T Bank And Hamer Enterprises, Credit Card Services

Transmitted herewith for your approval is legislation authorizing amendatory agreements with M&T Bank and Hamer Enterprises for continued merchant card services. This amendment will extend the agreements for an additional one-year period through June 30, 2012.

The original agreement with M&T Bank, authorized by Ordinance No. 2005-136, was for a three-year period with the option for three additional one-year renewals, and expires on June 30, 2011. This agreement includes M&T Bank's use of Hamer Enterprises for the provision of web-based merchant card processing.

A separate agreement with Hamer Enterprises for the provision of credit card services for tax payments was authorized by Ordinance No. 2010-68. This contract provides for the acceptance of credit cards for tax payments with the 3% convenience fee passed on to the taxpayer. This agreement also expires June 30, 2011.

This extension will provide the appropriate overlap as the City's new financial systems are im-

plemented as part of the PSI initiative. It is anticipated that all current City payment and banking systems will be integrated with new software beginning July 1, 2011. To ensure an effective transition, maintaining current external systems and interfaces while integrating the new internal system reduces the inherent risks associated with a major system change.

In addition, the software system purchased from Tyler Technology, the PSI consultant and supplier, includes online payment functionality and will be studied for implementation after the activation of the new financial system on July 1, 2011. Initial services are planned for implementation in 2011-12, with full implementation covering all payment systems (e.g., tax, water, parking tickets) coinciding with a new six-year credit card contract. For optimal integration, the City's re-issue of the Merchant Card Processing Request for Proposals planned for 2011-12 will incorporate elements required by the new Tyler system.

All terms of conditions of the current agreements will apply to the extension.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-55
(Int. No. 66)

Authorizing Extension Of Agreements For Merchant Card Payments

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

Section 1. The Mayor is hereby authorized to enter into the extension of agreements through June 30, 2012 with M&T Bank and HECORP, Inc., d/b/a Hamer Enterprises, for the processing of certain merchant card payments, upon the same terms and conditions as the current agreements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
March 22, 2011

To the Council:

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

Int. No. 67 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2010-422

Int. No. 68 - Adoption Of The Amended City Of Rochester Local Waterfront Revitalization Program

Int. No. 69 - Amending Chapter 50 Of The Municipal Code, Conveyance Code

Int. No. 70 - Amending Chapter 52 Of The Municipal Code, Enforcement Procedures

Int. No. 71 - Amending Chapter 90 Of The Municipal Code, Property Code, As Amended

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-56
Re: Sale of Real Estate and Amending Ordinance No. 2010-422

Transmitted herewith for your approval is legislation approving the sale of thirteen properties and amending Ordinance No. 2010-422.

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

The first property is being sold to its former owner. The purchase price includes all delinquent taxes, interest and penalties.

The next two parcels are buildable lots being purchased by the adjacent owners. The purchaser of the Melville Street lot will combine it with his current property. The purchaser of the Ridgeway Avenue property intends to use the land as green space. The Ridgeway Avenue parcel is a vacant lot owned by the City but located within the Town of Greece, immediately adjacent to the municipal boundary between the two. This lot is being sold to the owner of the adjoining property in the city.

The next nine properties are unbuildable vacant lots, each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The last property is the negotiated sale of a vacant lot to the adjacent owner; he will combine it with his adjoining lot. Part of the adjoining structure encroaches on the property and this sale will cure the encroachment.

The first year projected tax revenue for these thirteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,845. The sale of the Ridgeway Avenue parcel will have no impact on City property taxes since it is located in a different municipi-

pality.

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. 2010-422. This ordinance authorized the sale of 28 Wooden Street, 19 Austin Street, 381 Parsells Avenue, and 26 Mark Street, with the intent of selling them with the adjoining vacant lots and combined. However, only the sale of the structures was approved. This amendment will correct that omission and include the sale of the adjoining vacant lots. All purchase contracts have been amended and executed and monies are paid in full. This changes the total tax impact from \$16,726 to \$ 17,053.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-25

Ordinance No. 2011-56
(Int. No. 67)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2010-422

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

Section 1. The Council hereby approves the sale of the following parcel of real estate to the former owner:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>	<u>Price</u>
160 Jerold St 106.28-3-91	35x99 Terrell Brooks	465	\$1,573

Section 2. 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>Sq. Ft.</u>	<u>Price</u>
408-410 Melville St 107.55-2-56	40x100 Joseph Kalaghan	4,000	\$ 400
Ridgeway Av 090.03-1-7	32x199 1225 Ridgeway Industrial Properties, LLC*	4,599	\$2,700

* Board Member(s) - Frank DiMino, Sole Proprietor

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>
26 Bartlett St 121.61-1-30	33x141 Bennie Johnson	4,653
1750.1 Clifford Av (EH) 107.29-1-31.1	20x105 Miriam Lopez	2,178
1750.2 Clifford Av (WH) 107.29-1-31.2	20x105 Josephine Debruyne	2,178
440 First St 106.35-2-50	40x91 Betty & Jackson Lloyd	3,640
896 Jay St 105.81-1-29.2	34x8 Johnnie Twillie	272
902 Jay St 105.81-1-30.2	17x120 Johnnie Twillie	2,040
118 Ontario St 106.66-2-77	25x74 Kihanemehret Ethiopian Orthodox Tewadheo Church, Inc*	1,924
537.5 Sawyer St 135.24-2-35.3	16x123 Christine Guenther-O'Brien	2,178
437-439 Scio St 106.65-1-33	33x114 New Life Church of Christ, Inc**	3,762

- * Board Members: Abuna Basliyos, Melaku Ayele, Hailemariam Alemu, Tekeste Woldeyhohnes, Shawel Beyene, Adenew Wossen, Seyoum Assefa
- ** Board Members: Bishop Shellie Smith, Jr.; Evangelist Delores Smith

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>	<u>Price</u>
57 Niagara St 106.51-1-54.3	37x81 Ivan Dubilevskiy	3,049	\$600

Section 5. Section 1 of Ordinance No. 2010-422 is hereby amended to authorize the sale of the following parcels, which were approved therein, with the addition of the adjacent vacant lots:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Use</u>
19 Austin St 105.65-1-34	40x120	1 Family
and 17 Austin St 105.65-1-35	40x120	Vacant Lot
	\$2,700	Travaris Meeks
26 Mark St 106.41-2-9	38x128	1 Family
and 28 Mark St 106.41-2-10	34x128	Vacant Lot
	\$400	Patrick Thomas
381 Parsells Av 107.62-1-27	39x158	2 Family
and		

375 Parsells Av 40x158 Vacant Lot
 107.62-1-26
 \$3,500 Mollye Huddleston

28 Wooden St 64x80 1 Family
 120.51-4-80.1
 and
 18 Wooden St 32x80 Vacant Lot
 120.51-4-82
 \$700 David Mankowski

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

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2011-57
 Re: Amendment - City of Rochester
 Local Waterfront Revitalization Program

Transmitted herewith for your approval is legislation approving and adopting an amendment to the City of Rochester's Local Waterfront Revitalization Program (LWRP) and authorizing its submission to the New York State Secretary of State for final approval.

The amendment updates the LWRP's goals and policies for future land use and development of the Port of Rochester site, and includes a conceptual development plan that proposes a marina basin, mixed-use land-side development, parking areas, open space, trail, and other public amenity improvements.

The amendment was prepared based on a series of public meetings and workshops and other community input as well as recommendations from the City's marina consultants and discussions with the New York State Department of State (NYS DOS). It provides guidance and direction for the 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 amendment consists of modifications or updates to sections of the LWRP, including Task II (Inventory and Analysis), Task III (Policies), Task IV (Uses and Projects) and Task V (Implementing Techniques).

The draft amendment was originally submitted to Rochester City Council in July 2009 and then

transmitted to NYSDOS for review. Comments from NYSDOS were received and incorporated into the final amendment document. The City Planning Commission also reviewed the draft amendment in July 2009 and had no substantive comments.

The final amendment document was submitted to and, following the required public hearing approved by City Council in May 2010, and then re-submitted to NYSDOS for state and federal agency review and concurrence. There were no substantive state and federal agency comments on the amendment. Pursuant to New York State Law, the final amendment must now be approved and adopted by City Council and submitted to the Secretary of State for final approval.

An environmental review has been completed. A Negative Declaration was issued; the proposed action will not have a significant adverse impact on the environment.

Copies of the LWRP and amendment are on file with the City Clerk.

Respectfully submitted,
 R. Carlos Carballada
 Acting Mayor

Attachment No. AK-26

Ordinance No. 2011-57
 (Int. No. 68)

Adoption Of The Amended City Of Rochester Local Waterfront Revitalization Program

WHEREAS, the City of Rochester initiated an amendment of its fully approved Local Waterfront Revitalization Program (LWRP) regarding a conceptual development plan for the Port of Rochester in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, the Rochester City Council approved the LWRP Amendment in May 2010 prior to consulting with potentially affected State, federal, and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Draft LWRP Amendment was circulated for review and comment by the Department of State to potentially affected State, federal, and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the City of Rochester, as lead agency, determined that the proposed LWRP Amendment would not have a significant adverse environmental impact and filed a Negative Declaration Notice of Determination of No Significant Effect on the Environment in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act); and

WHEREAS, no modifications to the Draft Local Waterfront Revitalization Program were necessary as a result of the comments received.

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

Section 1. The amendment of the City of Rochester Local Waterfront Revitalization Program is hereby approved and adopted.

Section 2. The Rochester City Council hereby directs the Mayor of the City to formally transmit the adopted LWRP Amendment to the New York State Secretary of State for approval, pursuant to New York State Executive Law Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-58,
Ordinance No. 2011-59 and
Ordinance No. 2011-60

Re: Amending the Municipal Code

Transmitted herewith for your approval is legislation amending the Municipal Code as follows:

- 1. Amend Chapter 50 to correct references and to change the elevator certification program to an annual renewal.

The amendments to Chapter 50, recommended by the Elevator Examining Board, are based on their review of the code and will ensure consistency with current licensing practices. The amendments will require elevator certificates to be renewed annually instead of semi-annually, providing efficiencies in administrative and inspection duties. Inspections will continue to be conducted at six-month intervals by National Elevator Inspection Services.

- 2. Amend chapter 52 to add relief in Rochester City Court.

The City currently has the ability to seek equitable/injunctive relief to address properties with code violations in State Supreme Court. The New York State Legislature recently expanded City Court's authority to include such relief. This amendment will allow us to seek relief from City Court in cases where a property owner interferes with our ability to take corrective action in abating a violation. This will be necessary in anticipation of the creation of housing court and as part of our Code Compliance Fund Program beginning next fiscal year.

- 3. Amend chapter 90 to add violations involving high grass, deteriorated roofs, and trees causing damage to private properties.

Currently, violations for high grass, deteriorated roofs, and trees causing damage to private properties are addressed in various ways by the New York State Code. Adding provisions to the City's code will allow for more efficient enforcement and use of inspectors.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-58
(Int. No. 69)

Amending Chapter 50 Of The Municipal Code, Conveyance Code

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

Section 1. Chapter 50 of the Municipal Code, Conveyance Code, as amended, is hereby further amended as follows:

- a. Section 50-3, Definitions, is amended by amending the following definitions to read in their entirety as follows:

LICENSE - A document which is issued by the Board to an Inspector or Mechanic to engage in their respective trades as defined.

SECURED INSTALLATION - An installation whose power feed lines have been disconnected from the mainline disconnect switch and:

- A. An electric elevator, dumbwaiter, or material lift whose suspension ropes have been removed, whose car and counterweight rest at the bottom of the hoistway, and whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side.
- B. A hydraulic elevator, dumbwaiter or material lift whose car rests at the bottom of the hoistway; whose pressure piping has been disassembled and a section removed from the premises; whose hoistway doors have been permanently barricaded or sealed in the closed position from the hoistway side; suspension ropes removed and counterweights, if provided, landed at the bottom of the hoistway.
- C. An escalator or moving walk whose entrances have been permanently barricaded.

- b. There is hereby added to Section 50-9, Issuance of licenses, the following new subsection C:

C. It shall be unlawful for any person or firm to possess both an Installers Cer-

- tificate of Registration or an Elevator Mechanics license and an Inspectors License at the same time, regardless of whether the person, firm or company qualifies for both licenses.
- c. Subsections D and E of Section 50-10, Expiration and renewal of licenses, are amended to read in their entirety as follows:
- D. A license that is not renewed by March 1st in the even years shall be deemed abandoned. Reapplication will then be required.
- E. To reinstate an abandoned license, the applicant must reapply and pay the lapsed license fee.
- d. Subsections D and E of Section 50-13, Expiration and renewal of certificate of registration, are amended to read in their entirety as follows:
- D. A certificate of registration that is not renewed by March 1st in the even years shall be deemed abandoned. Reapplication will then be required.
- E. To reinstate an abandoned registration, the applicant must reapply and pay the lapsed registration fee.
- e. Subsections B and D of Section 50-14, Licenses required, are amended and a new subsection E is added, to read in their entirety as follows:
- B. Every applicant for a mechanic's license, limited mechanic's license or temporary mechanic's license shall make application for a license on forms prescribed by the Board. The applicant shall state his/her name, address and such other information as may be reasonably required by the Board to demonstrate experience to qualify for the license. All applicants for the mechanic's license or limited mechanic's license shall take and pass the respective exam given by the City, before a license will be issued.
- D. A person who is issued a temporary mechanic's license must take the next available examination in order to determine his/her qualifications for a mechanic's license or limited mechanic's license. A temporary mechanic's license shall expire at the end of the month following the next scheduled exam by the City. A person issued a temporary mechanic's license is subject to the same regulations as a permanent license holder.
- E. No person who has failed an exam given by the City shall be issued a temporary license.
- f. Subsections D and E of Section 50-14.2, Expiration and renewal of licenses, are amended to read in their entirety as follows:
- D. A license that is not renewed by March 1st in the even years shall be deemed abandoned. Reapplication will then be required.
- E. To reinstate an abandoned license the applicant must reapply and pay the lapsed license fee. Any license abandoned for a period of two (2) years or more will require reapplication and reexamination.
- g. Section 50-23, Fees, is amended by changing the fee in Subsection A thereof from \$45 to \$90.
- h. Subsections B, G and H of Section 50-24, Certificates of Inspection, are amended to read in their entirety as follows:
- B. Validity. A certificate of inspection shall remain valid for one year from the date of issuance. Such validity shall terminate at an earlier date if the conveyance fails to remain in compliance with the provisions of this chapter and all other applicable laws or upon revocation by the Commissioner as provided herein.
- G. Retention of certificate. The most current certificate of inspection issued by the Commissioner shall be retained by the owner and shall be made available for inspection during normal business hours upon demand by the Commissioner or his or her designee.
- H. Posting of certificate. A copy of the most current certificate of inspection indicating the expiration date shall be posted in the conveyance maintenance room.
- i. Subsections B and C of Section 50-25, Periodic inspections and tests, are amended and a new subsection E is added, to read in their entirety as follows:
- B. Periodic safety tests. Basic requirements. All existing installations of conveyances in any type of building (except private residences) shall be subjected to periodic safety tests, in accordance with ASME A17.1 and ASME A18.1. Tests shall be witnessed by an inspector licensed by the City of Rochester.
- C. Other tests and repairs.
- (1) The Commissioner may, as the

result of the licensed inspector's report of unsafe conditions, require that:

- (a) Additional inspections and/or repairs be made to any conveyance and inspection reports be submitted to the Commissioner within a time specified by the Commissioner.
 - (b) Full-load overspeed tests be performed on any elevator equipped with car and/or counterweight safeties.
 - (c) Load tests be performed on any escalator and/or moving walk.
- (2) If the load tests required by the Commissioner pursuant to Subsection B herein are not performed within the time prescribed, the Commissioner may cause such tests to be performed, and the costs of such tests will be charged to the owner of the real property as prescribed by § 6-94 of the Charter and § 14-10 of the Code of the City of Rochester.

E. Inspection Reports. All inspection reports resulting from inspections required by this section shall be submitted to the City within 30 days of the inspection being performed.

Section 2. This ordinance shall take effect on May 1, 2011.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

Ordinance No. 2011-59
(Int. No. 70)

Amending Chapter 52 Of The Municipal Code, Enforcement Procedures

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

Section 1. Chapter 52 of the Municipal Code, Enforcement Procedures, as amended, is hereby further amended by adding the words "in Rochester City Court or" before the words "State Supreme Court" where they appear in subsection B(2) of Section 52-5, Procedure for enforcement.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

Councilmember Palumbo moved to sever Section C of Introductory No. 71

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember Palumbo moved to amend Introductory No. 71.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2011-60
(Int. No. 71, As Amended)

Amending Chapter 90 Of The Municipal Code, Property Code

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

Section 1. Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further amended as follows:

- a. Subsection A of Section 90-5, Applicability of provisions, is amended to read in its entirety as follows:
 - A. The Property Maintenance Code of New York State shall be applicable in the City of Rochester to all existing land and structures and shall be enforced pursuant to Article IV of this Chapter.
- b. Subsection[s] B[, C and D] of Section 90-14, Property Maintenance, [are] is amended to read in [their] its entirety as follows:
 - B. The exterior portions of all premises shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, that this term shall not include

cultivated flowers and gardens.

[C. Roofs, flashings and roof coverings shall be structurally sound, tight and have no defects that might admit rain. Roof repairs shall be made using like materials, provided no hazard to life, health or property is created and shall be in compliance with the applicable Code of New York State.

D. Trees and shrubs shall be maintained so as to prevent them from causing damage to the structure.]

Section 2. This ordinance shall take effect on May 1, 2011.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

By Councilmember Miller
March 22, 2011

To the Council:

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

Int. No. 72 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Genesee Crossroads Garage Structural Repairs Project

Int. No. 73 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services For Federal Aid Projects And Amending Ordinance No. 2005-82

Int. No. 74 - Authorizing An Agreement For A Mount Hope Cemetery Grant And Amending The 2010-11 Budget

Int. No. 75 - Authorizing Grant Agreements And Appropriating Funds For The Midtown Re-development Project

Int. No. 85 - Establishing Maximum Compensation For A Professional Services Agreement For The Oakwood Road Reconstruction Project

Int. No. 86 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$877,000 Bonds Of Said To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Oakwood Road Reconstruction Project

Int. No. 87 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance

Of \$197,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Oakwood Road Reconstruction Project

Int. No. 88 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$440,000 Bonds Of Said City To Finance The Cost Of The Parking Garage Repair And Reconstruction Program In The City

Int. No. 92 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Culver Road Improvement Project

Int. No. 93 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,012,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Culver Road Improvement Project

Int. No. 94 - Establishing Maximum Compensation For A Professional Services Agreement For The Culver Road Improvement Project And Appropriating Funds

Int. No. 95 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$455,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of The Erie-Lackawanna Rails-To-Trails Pedestrian Bridge Within The City

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

Int. No. 76 - Changing The Traffic Flow On Van Stallen Street From Joseph Avenue To Klein Street From Two-Way To One-Way Eastbound

Int. No. 96 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$914,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The University Avenue And ARTWalk Extension Improvement Project

Int. No. 97 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$286,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The University Avenue And ARTWalk Extension Improvement Project

Int. No. 98 - Authorizing A Grant Agreement, Appropriating Funds And Amending The 2010-11 Budget For The University Avenue And ARTWalk Extension Improvement Project

Int. No. 99 - Local Improvement Ordinance - Public Improvements At 500 University Avenue As A Part Of The University Avenue And ARTWalk Extension Improvement Project

Int. No. 100 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue And ARTWalk Extension Improvement Project

Int. No. 101 - Amending Ordinance No. 2010-22, Relating To Agreements For Public Art For The University Avenue And ARTWalk Extension Improvement Project

Int. No. 102 - Amending Ordinance No. 2009-433, Relating To Easements For The University Avenue And ARTWalk Extension Improvement Project

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. Nos. 72 through 75).
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-61
Re: Amendatory Agreement - Herrick-Saylor Engineers, Crossroads Garage Structural Repair Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Herrick-Saylor Engineers, P.C., Pittsford, NY, for additional construction administration and resident project representation services for the Crossroads Garage Structural Repair Project.

The original agreement authorized in August 2008 established maximum compensation of \$205,824; an amendment in January 2010 increased compensation by \$74,176. This amendment will increase the maximum compensation by \$72,000 for a total of \$352,000. The additional cost will be financed from debt authorized by Ordinance 2009-284 for the project.

Resident Project Representation (RPR) services for full time representation is provided for under the agreement; previous amendments provided for an extension of the construction period to 270 days.

The costs for this amendatory agreement will provide for the additional thirteen-week schedule extension for completion of the project, which required continued consultant construction administration and RPR services.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-61
(Int. No. 72)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Genesee Crossroads Garage Structural Repairs Project

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

Section 1. The sum of \$72,000, 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 Herrick-Saylor Engineers, P.C. for construction administration services for the Genesee Crossroads Garage Structural Repairs 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. 2009-284.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-62
Re: Amendatory Agreement - Lumsden & McCormick LLP, Audit Services for Federal Aid Projects

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lumsden & McCormick, LLP, Buffalo, NY, for additional audit services, and amending Ordinance No. 2005-82 to change the source of a portion of the funding for the agreement.

The original agreement, authorized in April 2005 (Ord. No. 2005-82), provided maximum compensation of \$30,000 for audit services; amendatory agreements for additional project audit services in October 2005 (Ord. No. 2005-325) and November 2007 (Ord. No. 2007-421) increased compensation by \$40,000 and \$25,000, respectively. This third, and final, amendment will increase compensation by \$35,000 for a total of \$130,000.

The additional compensation will be funded from previously authorized appropriations as follows: anticipated Federal reimbursements appropriated in Ordinance Nos. 2007-315 (\$16,000) and 2004-321 (\$6,200); anticipated New York State reimbursements appropriated in Ordinance Nos. 2007-315 (\$3,000) and 2004-321 (\$1,550); and the 2007-08 Cash Capital allocation of the Department of Environmental Services (\$8,250).

The Federal Highway Administration and New York State Department of Transportation require that a Federal Aid project sponsor engage an independent certified public accountant to audit major professional services agreements involved with the project prior to closing out the project. The expenses incurred for the audits are eligible for State and Federal aid reimbursement.

Additional funding of \$35,000 will enable Lumsden and McCormick to complete scheduled audits and to perform those required for the Smith Street Bridge Rehabilitation Project. Audit services to be performed during 2011 include the Lake Avenue Reconstruction and Genesee Riverway Trail, Lexington Avenue, West Ridge Road and Smith Street Bridge projects. A summary of City-administered Federal aid street improvement projects previously audited by Lumsden & McCormick is attached.

Funding authorized by Ordinance No. 2005-82 for the original agreement will be amended to replace \$6,268 in funding from anticipated Federal reimbursements appropriated therein with 2007-08 Cash Capital.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-27

Ordinance No. 2011-62
(Int. No. 73)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services For Federal Aid Projects And Amending Ordinance No. 2005-82

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lumsden & McCormick, LLP, for audit services for federal aid street projects. Of said amount, \$16,000 shall be funded from the anticipated federal reimbursements appropriated in Section 2 of Ordinance No. 2007-315, \$6,200 shall be funded from the anticipated federal reimbursements appropriated in Section 2 of Ordinance No. 2004-321, \$3,000 shall be funded from the anticipated state reimbursements appropriated in Section 3 of Ordinance No. 2007-315, \$1,550 shall be funded from the anticipated state reimbursements appropriated in Section 3 of Ordinance No. 2004-321, and \$8,250 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. Ordinance No. 2005-82, authorizing the agreement for audit services, is hereby amended by reducing the authorized funding therein from the anticipated federal reimbursements appropriated in Section 3 of Ordinance No. 2003-102 by the sum of \$6,268, which amount shall be funded from the 2007-08 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-63
Re: Agreement - The Community Foundation,
Grant for Mount Hope Cemetery

Transmitted herewith for your approval is legislation authorizing an agreement with The Community Foundation for the receipt and use of a \$15,000 Lloyd E. Klos Historical Fund grant, and amending the 2010-11 Cash Capital allocation of the Department of Environmental Services to reflect the grant. These funds will be used to support wayfinding improvements at Mount Hope Cemetery.

The Klos Fund supports historical preservation, education, and information in the Rochester region.

The project includes the design and installation of wayfinding elements to assist visitors in locating the graves of Susan B. Anthony and Frederick Douglass. Pedestrian signs and paths will lead from the nearest drives to the respective gravesites.

The grant will be used for fabrication and installation of signs, construction of stone dust paths and ancillary landscape improvements. The project will be designed and administered by the Department of Environmental Services, Bureau of Architecture and Engineering. The estimated project cost is \$33,000; the balance of the project will be funded from the 2009-10 Cemetery Fund Cash Capital allocation.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-63
(Int. No. 74)

Authorizing An Agreement For A Mount Hope Cemetery Grant And Amending The 2010-11 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 Community Foundation for funding for wayfinding improvements at Mount Hope Cemetery.

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

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$15,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-64
Re: Appropriations - Midtown Redevelopment Project

Transmitted herewith for your approval is legislation appropriating a total of \$3,409,000 in anticipated reimbursements from federal sources to support the Midtown Redevelopment Project, and authorizing any agreements necessary for the acceptance of these funds.

Funds totaling \$1,704,500 provided through the Federal Consolidated Appropriations Act of 2010 will be used to finance detailed design and a portion of the construction phase of street improvements for the project.

A Housing and Urban Development Economic Development Initiative (EDI) Special Project grant in the amount of \$340,900 will be used for environmental remediation, demolition, and other site preparation for revitalization related to the Midtown Redevelopment Project. No local match is required. The EDI grant was secured through the efforts of Senator Kirsten Gillibrand.

A Transportation Community and System Preservation (TCSP) grant from the US Department of Transportation in the amount of \$1,363,600 will be used for detailed design and other costs related to the Midtown Redevelopment Project. A local match of 20%, \$340,900, is required and will be funded from the 2007-08 Cash Capital allocation of the Department of Neighborhood and Business Development. The TCSP grant was secured through the efforts of Senator Charles E. Schumer.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-64
(Int. No. 75)

Authorizing Grant Agreements And Appropriating Funds For The Midtown Redevelopment Project

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

Section 1. The Mayor is hereby authorized to enter into necessary agreements for the receipt of the funds appropriated herein for the Midtown Redevelopment Project.

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

Section 3. There is hereby appropriated from anticipated reimbursements from the Federal Consolidated Appropriations Act of 2010 the sum of \$1,704,500 to fund the Midtown Redevelopment Project.

Section 4. There is hereby appropriated from anticipated reimbursements from the Economic Development Initiative Special Project Grant Program of the United States Department of Housing and Urban Development the sum of \$340,900 to fund the Midtown Redevelopment Project.

Section 5. There is hereby appropriated from anticipated reimbursements from the Transportation Community and System Preservation Grant Program of the United States Department of Transportation the sum of \$1,363,600 to fund the Midtown Redevelopment Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-65,
Ordinance No. 2011-66 and
Ordinance No. 2011-67
Re: Oakwood Road Reconstruction Project

Transmitted herewith for your approval is legislation related to the Oakwood Road Reconstruction Project. This legislation will:

1. Authorize the issuance of bonds totaling \$877,000 and appropriation of the proceeds thereof to finance the street improvements;
2. Authorize the issuance of bonds totaling \$197,000 and appropriation of the proceeds thereof to finance water improvements; and
3. Establish \$110,000 as maximum compensation for an agreement with Stantec Consulting Services Inc., Rochester, for resident project representation (RPR) services. The cost of the agreement will be funded from the proceeds of the bonds appropriated herein.

The Oakwood Road Reconstruction Project was designed in-house and includes pavement width changes to provide two twelve-foot lanes (Ordinance No 2010-127) and on-street parking; reconstruction 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.

Bids for construction were received on March 1, 2011. The apparent low bid of \$877,967 was submitted by Gordon J. Phillips Inc., which is 5.5% less than the engineer's estimate. The allocation for project contingencies is \$86,033.

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 bond	\$711,882	\$ 88,000	
	\$77,118		\$ 877,000
Water bond			
	<u>166,085</u>	<u>22,000</u>	
	8,915		<u>197,000</u>
Total			
	\$877,967	\$110,000	
	\$86,033	\$1,074,000	

A request for qualifications for RPR services was posted to the City's website, with five responding firms: Lu Engineers, Passero Associates, Ravi Engineering & Land Surveying, P.C., Stantec, and T.Y. Lin International. Stantec was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project. Resident project representation services will begin with project construction. It is anticipated that construction will begin in Spring 2011, with scheduled completion in Summer 2011.

The minutes for public informational meetings held on February 4, 2010 and January 6, 2011 are attached. A public meeting will be held prior to construction. The project will result in the equivalent of 1.2 consultant jobs and 9.5 public works jobs.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-28

Ordinance No. 2011-65
(Int. No. 85)

Establishing Maximum Compensation For A Professional Services Agreement For The Oakwood Road Reconstruction 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 Stantec Consulting Services, Inc. for resident project representation services related to the Oakwood Road Reconstruction Project (Southampton Drive-North City Line). The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$77,118 shall be funded from a bond ordinance adopted for street purposes and \$8,915 shall be funded from a bond ordinance adopted for water purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-66
(Int. No. 86)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$877,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Oakwood Road Reconstruction 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 Oakwood Road Reconstruction Project (Southampton Drive-North City Line) 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 \$877,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$877,000 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 \$877,000 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 with-

out 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. 2011-67
(Int. No. 87)

**Bond Ordinance Of The City Of Rochester,
New York, Authorizing The Issuance Of**

\$197,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Oakwood Road Reconstruction 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 Oakwood Road Reconstruction Project (Southampton Drive-North City Line) 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 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 \$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 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 antici-

pation 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. 2011-68
Re: 2011 Annual Parking Garage Repair
And Reconstruction Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$440,000 and the appropriation of the proceeds thereof to finance the 2011 Annual Parking Garage Repair & Reconstruction Program.

T.Y. Lin International was retained in October 2009 (Ordinance No. 2009-378) for multi-year planning and design services, with resident project representation services incorporated in March 2010 (Ordinance No. 2010-116), for a comprehensive repair program. Under the terms of the agreements, T.Y. Lin is performing comprehensive garage inspections, condition ratings, prioritization, structural design, resident project representation, and developing both the annual and five-year long term capital program for eight City-owned garages.

The 2011 Program includes post-tensioned tendon repairs, deck waterproofing, repair to structural components, expansion joint repair, façade repairs, stair nosings, mechanical system repairs, traffic and striping signage, drainage and fire protection repair, electrical repairs, lighting upgrades, hardware replacement, masonry repair, roofing repair and architectural upgrades. Work is proposed in the following garages: Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities, and Court Street (Bausch & Lomb).

The estimated construction cost for the project is \$967,000, inclusive of contingencies. The proposed parking debt (\$440,000) is included in the 2009-10 Capital Improvement Program. The balance of the project is funded from the 2009-10 (\$388,900) and 2010-11 (\$138,100) Parking Cash Capital allocations.

Construction is scheduled to begin in April 2011 with completion in November 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-68
(Int. No. 88)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$440,000 Bonds Of Said City To Finance The Cost Of The Parking Garage Repair And Reconstruction Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of improvements to the Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities and Court Street Parking Garages in the City as a part of the Parking Garage Repair and Reconstruction Program, including but not limited to post-tensioned tendon repairs, deck waterproofing, repair to structural components, expansion joint repair, façade repairs, stair nosings, mechanical system repairs, traffic & striping signage, drainage and fire protection repair, electrical repairs, lighting upgrades, hardware replacement, masonry repair, roofing repair and architectural upgrades (the "Project").

The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$967,000. The plan of financing includes the issuance of \$440,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$527,000 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 \$440,000 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 \$440,000. 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 au-

thorizing 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. 2011-69,
Ordinance No. 2011-70 and
Ordinance No. 2011-71

Re: Culver Road Improvement Project

Transmitted herewith for your approval is legislation related to the Culver Road (Atlantic Avenue to Garson Avenue and Laurelton Road to Clifford Avenue) Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$600,000 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 \$1,012,000 and appropriation of the proceeds thereof to finance the cost of the water improvements;

3. Appropriate \$3,761,000 in anticipated reimbursements from Monroe County to finance a portion of the costs of the street improvements; and
4. Establish \$495,000 as maximum compensation for an agreement with LaBella Associates for resident project representation services. The cost of the agreement will be funded from sources appropriated herein and summarized below.

This project is part of the County-assisted Arterial Improvement Program, in accordance with the agreement authorized by City Council in July 1981. Under the terms of the agreement, an engineering plan was prepared and approved by Council in April 2009. Council authorized LaBella Associates to perform the engineering planning and preliminary design for the project in October 2007, and final design in April 2009. The project includes reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water mains; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; topsoil and seeding.

Bids for construction were received on March 8, 2011. The work will be performed by Villager Construction Inc., at a cost of \$3,870,783 which is 16% less than the engineer's estimate. An additional \$1,007,217 (26%) 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>		
County Highway	\$2,741,760	\$350,610	
	\$ 668,630	\$3,761,000	
Water	796,610	101,870	
	113,520	1,012,000	
City Street	332,413	42,520	
	<u>225,067</u>	<u>600,000</u>	
Total	\$3,870,783	\$495,000	
	\$1,007,217	\$5,373,000	

The cost of the street improvements will be financed from proceeds of the proposed street bond as programmed in the 2010-11 Capital Improvement Program and from anticipated reimbursements from Monroe County. The cost of the water improvements will be financed from proceeds of the proposed water bond from 2009-10 Capital Improvement Program.

LaBella Associates is being recommended for resident project representation for the project based on their qualifications and familiarity with the project.

Construction is expected to begin Spring 2011, with completion in Summer 2012.

Public informational meetings were conducted on August 6, 2008 and February 2, 2010. The minutes of these meetings are attached.

An equivalent of 5.4 full-time consulting/professional services jobs and 41.2 public works jobs are created or retained as a result of this project.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-29

Councilmember Miller moved to amend Int. No. 92.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2011-69
(Int. No. 92, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[600,000] 700,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Culver Road Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Culver Road Improvement Project (Atlantic Avenue-Garson Avenue and Laurelton Road-Clifford 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 \$[4,361,000] 4,461,000. The plan of financing includes the issuance of \$[600,000] 700,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$3,761,000 appropriated from funds from the County of Monroe, 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 paya-

ble.

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. 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2011-70
(Int. No. 93)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,012,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Culver 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 Culver Road Improvement Project (Atlantic Avenue-Garson Avenue and Laurelton Road-Clifford Avenue) 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 \$1,012,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,012,000 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 \$1,012,000 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 \$1,012,000. 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.

Councilmember Miller moved to amend Int. No. 94.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2011-71
(Int. No. 94, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Culver Road Improvement Project And Appropriating Funds

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

Section 1. The sum of \$495,000, 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 related to the Culver Road Improvement Project (Atlantic Avenue-Garson Avenue and Laurelton Road-Clifford Avenue). The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$[350,610] ~~339,720~~ shall be funded from the appropriation made in Section 2, \$[42,520] ~~53,410~~ shall be funded from a bond ordinance adopted for street purposes and \$101,870 shall be funded from a bond ordinance adopted for water purposes.

Section 2. There is hereby appropriated from anticipated reimbursements from the County of Monroe the sum of \$3,761,000 to fund street improvements as a part of the Culver Road Improvement Project.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-72
Re: Erie-Lackawanna Rails-to-Trails
Pedestrian Bridge

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$455,000 and the appropriation of the proceeds thereof for the Erie-Lackawanna Railroad Bridge Rails-to-Trails Pedestrian Bridge Project.

The historic Rochester Erie-Lackawanna Railroad Bridge spans the Genesee River connecting the Genesee Riverway Trail and the Plymouth/Exchange neighborhood on the west bank to the Genesee Riverway Trail, Bausch & Lomb Park, and the University of Rochester River Campus on the east bank.

Ordinance No. 2010-225 authorized funding in the amount of \$600,000 from a New York State Environmental Protection Fund grant; a match of \$600,000 in bonds was also appropriated (Ordinance No 2010-226). The funding is allocated to project design and construction.

T.Y. Lin International was authorized in June 2010 to provide engineering, inspection, design, and Resident Project Representation (RPR) services. That agreement included final design documents, specifications, and estimates for the bridge conversion and multi-use trail alignments at each bridge approach.

The estimated cost of the project is \$1,800,000, which will be funded from appropriations adopted in Ordinance Nos. 2010-225 (\$600,000) and 2010-226 (\$600,000), the proposed bond issuance (\$455,000) and 2009-10 Cash Capital allocations of the Department of Environmental Services (\$145,000).

It is anticipated construction will begin in late April, with substantial completion by December 2011.

An equivalent of 19.5 full-time jobs will be created or retained as a result of this project.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-72
(Int. No. 95)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$455,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of The Erie-Lackawanna Rails-To-Trails Pedestrian Bridge Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of reconstruction of the Erie-Lackawanna Rails-to-Trails Pedestrian Bridge over the Genesee River, connecting the Genesee Riverway Trail and the Plymouth/Exchange neighborhood on the west bank to the Genesee Riverway Trail and the Bausch & Lomb Park and the University of Rochester River Campus on the east bank, within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000. The plan of financing includes the issuance of \$455,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$600,000 bonds previously appropriated in Ordinance No. 2010-226, \$600,000 in New York State Environmental Protection Fund Local Waterfront Revitalization Program funds appropriated in Ordinance No. 2010-225 and \$145,000 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 \$455,000 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 \$455,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.10 of the Law, is twenty (20) years.

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

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

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

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

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

for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-73
Re: Authorizing a Traffic Flow Change -
Van Stallen Street

Transmitted herewith for your approval is legislation which will authorize a change in the direction of traffic flow on Van Stallen Street between Joseph Avenue and Klein Street from two-way traffic to one-way eastbound traffic.

The Van Stallen Street eastbound one-way is requested as a traffic safety and crime prevention measure by neighborhood residents. The change to eastbound one-way was endorsed by the City's Traffic Control Board at its January 18, 2011 meeting, and is supported by the Rochester Police Department.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-30

Ordinance No. 2011-73
(Int. No. 76)

Changing The Traffic Flow On Van Stallen Street From Joseph Avenue To Klein Street From Two-Way To One-Way Eastbound

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

Section 1. The Council hereby approves a change in the traffic flow of Van Stallen Street from Joseph Avenue to Klein Street from two-way to one-way eastbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to return Int. Nos. 96 through 102 to Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote.

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Pa-lumbo, Scott, Spaull - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 96,
Introductory No. 97,
Introductory No. 98,
Introductory No. 99,
Introductory No. 100,
Introductory No. 101 and
Introductory No. 102

Re: University Avenue and ARTWalk
Extension Improvement Project

Transmitted herewith for your approval is legislation related to the University Avenue and ARTWalk Extension Improvement Project. The Project will extend the ARTWalk Urban Trail from its current terminus at the University Avenue and Goodman Street intersection and create Centennial Sculpture Park, a new pedestrian plaza at the northwest corner of University Avenue and North Goodman Street, adjacent to the Memorial Art Gallery of the University of Rochester (MAG).

This project is a partnership with MAG, the Stern Family, the Rochester Museum and Science Center (RMSC), the Anderson Alley Arts Building owner and the Neighborhood of the Arts. It is funded partially through prior appropriations of Federal American and Recovery and Reinvestment Act, Federal Highway Administration, and New York State Marchiselli Aid (Ord. No. 2009-176) and prior Local Improvement Ordinances with the Stern Family L.P. (LIO #1616) and RMSC (LIO #1611).

Several legislative actions are requested; each is summarized below.

1. Authorize the issuance of bonds and the appropriation thereof

A total of \$914,000 in bonds will be used to finance a portion of the cost of the project street improvements, and a total of \$286,000 in bonds will be used to finance a portion of the project water improvements.

2. National Endowment for the Arts

This legislation will authorize an agreement with the NEA for the receipt and use of a Mayors' Institute on City Design grant in the amount of \$250,000. This award of this competitive grant was announced in July 2010; Rochester is one of only four cities nationwide to receive the maximum amount of \$250,000. The funds will supplement the costs of project construction.

3. Local Improvement Ordinance

This legislation will authorize the appropriation of \$345,000 from the Local Improvement Fund and subsequent assessments of this amount against the benefited property, 500 University Avenue, to replenish the fund to finance the cost of a local enhancement improvement.

This LIO will provide for enhanced features on the public easements at the MAG site, including the construction of an amphitheater in Centennial

Sculpture Park. The amphitheater will be constructed of large blocks of limestone, the same stone used to construct Cutler Union on MAG grounds, and is being used by MAG's privately-commissioned artist, Tom Otterness, to create the large stone sculptures in Centennial Sculpture Park. The repayment of the Local Improvement will be billed in a single payment assessed to the MAG property on the 2013-14 City tax bill.

4. Bergmann Associates

This legislation will authorize an amendatory agreement with Bergmann Associates, P.C. to increase maximum compensation for resident project representation services (RPR) by \$1,100,000. The original agreement with Bergmann (Ord. No. 2007-313) provided for the preliminary planning and design phases of the project. The agreement was amended in March 2008 (Ord. No. 2008-97) to coordinate the MAG's efforts; in May 2009 (Ord. No. 2009-156) for expanded services made possible through the ARRA award the City received; and in August 2010 (Ord. No. 2010-308) to manage the local artist selection process.

The present maximum authorized compensation for Bergmann professional services is \$1,200,000; this amendment will increase that amount to \$2,300,000. The additional cost will be funded from prior FHWA (\$239,196) appropriations, ARRA appropriations (\$582,365), NYS Marchiselli Aid (\$44,849), proposed street debt (\$104,777), proposed water debt (\$33,372), 2008-09 Cash Capital (County Traffic - \$64,576), and a portion of the proposed LIO (\$30,865). Bergmann Associates was selected to provide RPR services to the project based on firm qualifications, experience, and availability of staff and will provide continued RPR and construction phase design services.

5. Amend Ordinance No. 2010-22

This legislation will amend Ordinance No. 2010-22, which authorized agreements with Cliff Garten Studios and with Adam Frank for the creation and installation of sculptures. The ordinance established \$150,000 as compensation for each artist to be funded from anticipated reimbursements from the ARRA grant. However, the New York State Department of Transportation, the administering agency for the ARRA funds, informed the City that the artwork is not eligible for reimbursement under the grant program.

Therefore, the ARRA amount for Cliff Garten Studios will be replaced by \$108,000 from anticipated reimbursements from the Federal Highway Administration, \$20,250 from anticipated reimbursements from the State of New York Marchiselli Aid Program, and \$21,750 from the proposed street improvements bond.

The agreement with Adam Frank (\$150,000), also fully funded from the same ARRA appropriation, was for the installation of art at the Visual Studies Workshop (VSW). However, the State Historic

Preservation Office determined that the art placement at VSW would have an adverse effect upon historic resources. This determination was made because the VSW buildings are part of the National Register East Avenue Historic District. The City and the design team made several alternate proposals to SHPO, all of which were not viable. The City has therefore negotiated termination of the contract with Mr. Frank and shall amend Ordinance 2010-22 to revise the agreement and to reduce the amount of the agreement to the negotiated \$24,871 for work performed to date and replace the ARRA funding with \$24,871 from 2007-08 Cash Capital.

6. Amend Ordinance No. 2009-433

This legislation will amend Ordinance No. 2009-433, which provided funding for the acquisition of easements on Rochester Housing Authority properties. The amendment will change the source of funding for the acquisition cost of \$10,975. The acquisitions were originally financed from the ARRA grant, but will instead be financed from the proceeds of the New York State Economic Development CAP grant appropriated by Ordinance No. 2010-22.

7. 2010-11 Budget Amendment

Finally, this legislation will amend the 2010-11 Budget to transfer \$244,000 from Contingency to Cash Capital to fund a portion of the project.

Bids for construction were originally received on January 26, 2011. Five bids were received; all exceeded available project funding. Modifications were made to the project and it was re-bid. Four bids were received on March 10, 2011; one was rejected as being an unbalanced bid. Based upon NYSDOT bidding requirements, the apparent low bid was submitted by Sealand Contractors Corporation, in an amount of \$5,416,882.89, which is 2% more than the engineer's estimate. An additional \$505,891 will be allocated for project contingencies.

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

<u>Category</u>	<u>Construction Contingency</u>	<u>RPR</u>	<u>Total</u>
Federal	\$3,533,614	\$ 821,561	
	\$ -		\$4,355,175
State	192,901	44,849	
	-		237,750
NEA grant	250,000	-	
	-		250,000
Local - City bond	692,133	104,777	
	117,090		914,000
Local - City water bond	238,368	33,372	
	14,260		286,000

Cash Capital	-	-
	244,000	244,000
Monroe County Traffic	289,401	64,576
	36,872	390,849
Local improvement ord.	220,466	30,865
	<u>93,669</u>	<u>345,000</u>
Total	\$5,416,883	\$1,100,000
	\$505,891	\$7,022,774

The Federal share of the construction cost of the project will be financed from prior FHWA funding (\$1,028,804) and ARRA funding (\$2,504,810).

The local portion of the traffic-related improvements (\$390,849) shall be funded from the 2008-09 Cash Capital allocation (\$101,448) and 2009-10 Cash Capital allocation (\$289,401) of the Department of Environmental Services. The project contingency (\$505,891) will be funded from the proposed street and water bonds, cash capital allocations for traffic-related work identified above, the proposed Local Improvement Ordinance and 2010-11 Cash Capital (\$244,000).

The total value of private and public investment for the project exceeds \$10 million dollars. It is anticipated that construction will begin in summer 2011 and will be substantially completed by August 2012.

A public hearing is required for the Local Improvement Ordinance.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Introductory No. 96

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK, AUTHORIZING THE ISSUANCE OF \$914,000 BONDS OF SAID CITY TO FINANCE THE COST OF CONSTRUCTION AND RECONSTRUCTION OF CERTAIN STREETS AS A PART OF THE UNIVERSITY AVENUE AND ARTWALK EXTENSION 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 and related public improvements as a part of the University Avenue and ARTWalk Extension 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 \$6,000,925. The plan of financing includes the issuance of \$914,000 bonds of the City, and said

amount is hereby appropriated therefor, together with the application of \$3,087,175 appropriated from anticipated reimbursements from the Federal Government under the American Recovery and Reinvestment Act, \$1,268,000 appropriated from anticipated reimbursements from the Federal Highway Administration, \$237,750 appropriated from anticipated reimbursements from the State of New York, \$250,000 appropriated from a National Endowment for the Arts Grant, and \$244,000 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$914,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in 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.

Item held.

Introductory No. 97

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK, AUTHORIZING THE ISSUANCE OF \$286,000 BONDS OF SAID CITY TO FINANCE THE RECONSTRUCTION OF VARIOUS WATER MAINS IN THE CITY RELATED TO THE UNIVERSITY AVENUE AND ARTWALK EXTENSION 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 University Avenue and ARTWalk Extension 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 \$286,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$286,000 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 \$286,000 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 \$286,000. 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.

Item held.

Introductory No. 98

AUTHORIZING A GRANT AGREEMENT, APPROPRIATING FUNDS AND AMENDING THE 2010-11 BUDGET FOR THE UNIVERSITY AVENUE AND ARTWALK EXTENSION IMPROVEMENT PROJECT

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the National Endowment for the Arts for funding for the University Avenue and ARTWalk Extension Improvement Project.

Section 2. The sum of \$250,000 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund construction of the University Avenue and ARTWalk Extension Improvement Project.

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

Section 4. Ordinance No. 2010-188, the 2010-

11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$244,000 from the Contingency allocation to the Cash Capital allocation to fund the University Avenue and ARTWalk Extension Improvement Project.

Section 5. This ordinance shall take effect immediately.

Item held.

Introductory No. 99

LOCAL IMPROVEMENT ORDINANCE - PUBLIC IMPROVEMENTS AT 500 UNIVERSITY AVENUE AS A PART OF THE UNIVERSITY AVENUE AND ARTWALK EXTENSION IMPROVEMENT PROJECT

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

Section 1. As part of the University Avenue and ARTWalk Extension Improvement Project, the Council hereby authorizes special treatment of the parcel at 500 University Avenue in the form of the construction of an amphitheater on said parcel, 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:	500 University Ave
SBL No.:	106.83-1-46.3
Owner:	University of Rochester
Amount:	\$345,000

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$345,000, 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.

Section 5. The assessments shall be billed in full on the 2013-14 tax bill.

Section 6. The total cost of said improvements and work, up to \$345,000, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Item held.

Introductory No. 100

ESTABLISHING MAXIMUM COMPENSATION FOR AN AMENDATORY PROFESSIONAL SERVICES AGREEMENT FOR THE UNIVERSITY AVENUE AND ARTWALK EXTENSION IMPROVEMENT PROJECT

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

Section 1. The sum of \$1,100,000, 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 resident project representation services for the University Avenue and ARTWalk Extension Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$582,365 shall be funded from anticipated reimbursements from the Federal Government under the American Recovery and Reinvestment Act appropriated in Section 2 of Ordinance No. 2009-156, \$239,196 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated in Section 3 of Ordinance No. 2009-156, \$44,849 shall be funded from anticipated reimbursements from the State of New York appropriated in Section 4 of Ordinance No. 2009-156, \$104,777 shall be funded from a bond ordinance adopted for street purposes, \$33,372 shall be funded from a bond ordinance adopted for water purposes, \$64,576 shall be funded from the 2009-10 Cash Capital allocation, and \$30,865 shall be funded from a Local Improvement Ordinance adopted for public improvements at 500 University Avenue.

Section 2. This ordinance shall take effect immediately.

Item held.

Introductory No. 101

AMENDING ORDINANCE NO. 2010-22, RELATING TO AGREEMENTS FOR PUBLIC ART FOR THE UNIVERSITY AVENUE AND ARTWALK EXTENSION IMPROVEMENT PROJECT

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

Section 1. Section 1 of Ordinance No. 2010-22, relating to a professional services agreement between the City and Cliff Garten Studio for public art for the University Avenue and ARTWalk Extension Improvement Project, is hereby amended by changing the source of the \$150,000 in funding from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156 to \$108,000 appropriated from anticipated reim-

bursements from the Federal Highway Administration in Section 3 of Ordinance No. 2009-156, \$20,250 appropriated from anticipated reimbursements from the State of New York in Section 4 of Ordinance No. 2009-156, and \$21,750 from a bond adopted for street improvements for the Project.

Section 2. Section 2 of Ordinance No. 2010-22, relating to a professional services agreement between the City and Adam Frank Incorporated for public art for the University Avenue and ARTWalk Extension Improvement Project, is hereby amended by reducing the amount authorized for the agreement to \$24,871, and by changing the source of the funding from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156 to the 2007-08 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Item held.

Introductory No. 102

AMENDING ORDINANCE NO. 2009-433, RELATING TO EASEMENTS FOR THE UNIVERSITY AVENUE AND ARTWALK EXTENSION IMPROVEMENT PROJECT

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

Section 1. Section 3 of Ordinance No. 2009-433, relating to the acquisition of easements for the University Avenue and ARTWalk Extension Improvement Project, is hereby amended by changing the source of \$10,975 in funding for the acquisition of easements from the Rochester Housing Authority, from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156, to the Economic Development Capital Assistance Program Funds appropriated in Section 6 of Ordinance No. 2010-22.

Section 2. This ordinance shall take effect immediately.

Item held.

By Councilmember McFadden
March 22, 2011

To the Council:

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

Int. No. 80 - Authorizing An Agreement For Funding For The STOP DWI Program

Int. No. 81 - Approving Applications, Agreements And The 2011 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Int. No. 82 - Establishing Maximum Compensation For A Professional Services Agreement For The Summer Of Opportunity Program

Int. No. 89 - Establishing Maximum Compensation For A Professional Services Agreement For Public Market Concerts

Int. No. 90 - Amending Resolution No. 2011-5, Approving Appointments To The Nuisance Points Advisory Board

Int. No. 91 - Amending Ordinance No. 2010-444, Relating To The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2010-11 Budget

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

Int. No. 83 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 84 - Local Improvement Ordinance - Security At The Public Market

The following entitled legislation is being held in Committee:

Int. No. 77 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Int. No. 78 - Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 79 - Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Operations Of GRANET

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-74
Re: Agreement - Monroe County/Stop DWI 2011

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$132,853 in New York State funds for the 2011 Stop DWI Program. The award to the City will be used for enhanced detection and enforcement of driving while intoxicated and related offenses January 1 through December 31, 2011. No matching funds are required. The agreement was authorized by the

Monroe County Legislature in February 2011. The renewal of funding was anticipated and \$44,300 was included in the 2010-11 Budget of the Police Department. The balance of funding from this award, about \$88,600, will be included in the proposed 2011-12 Budget of the Police Department.

These funds are used primarily to reimburse expenses for overtime traffic enforcement patrols; a portion will also be designated specifically for enforcement against underage alcohol sales.

The agreement for the last round of funding of \$118,743 for calendar year 2010 was authorized in March 2010. During calendar 2010, the City STOP-DWI unit established 24 sobriety checkpoints and the Rochester Police Department arrested 772 individuals for DWI, 38 for DWAI, and 12 for DWAI-Drugs.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-74
(Int. No. 80)

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 2011 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. 2011-75
Re: Rochester-Monroe County
Youth Bureau 2011 Budgets

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

1. Authorize agreements with the County of Monroe for the administration and partial financing of the Rochester-Monroe County Youth Bureau;
2. Approve the City's shares of \$68,828 and \$103,231 to the annual administrative and program budgets of the Youth Bureau, respectively. Half of the administrative

amount, \$34,414, and all of the program budget amount will be reimbursed to the City directly from the New York State Office of Children and Family Services;

3. Establish maximum compensation for agreements to implement the programs as summarized below; the costs will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

<u>Program</u>	<u>2010 Amount</u>	<u>2011 Amount</u>	<u>Change</u>
SPCC - Family Trauma Intervention	\$ 17,883	\$ 17,883	\$ 0
Baden - Project B.A.S.E.	11,605	11,940	335
Baden - Project Odyssey	4,886	5,027	141
Direct allocation to DRYS	<u>65,959</u>	<u>68,381</u>	<u>2,422</u>
Total	\$100,333	\$103,231	\$2,898

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.

Notification of the amounts for the calendar 2011 program was received in January from the County, and reflects a 2.89% increase to programs. The agreements referenced above will be effective January 1, 2011 through December 31, 2011.

Program descriptions for the City programs are attached. In 2010, these programs served 1399 youth (70% Black, 11% White, 13% Hispanic, 6% all other; 45% Male, 55% Female). The most recent Council action on this item was in March 2010 in Ord. No. 2010-96.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-31

Ordinance No. 2011-75
(Int. No. 81)

Approving Applications, Agreements And The 2011 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 2011 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2011 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2011 Comprehensive Youth Services Plan. The City's required contribution to the 2011 Youth Bureau Budget shall be financed equally from the 2010-11 and 2011-12 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 Trauma Intervention Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$17,883, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project B.A.S.E. Said agreement shall obligate the City to pay an amount not to exceed \$11,940, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 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 \$5,027, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 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 by the following vote:

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

Nays - None - 0.

Councilmember Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-76
Re: Agreement - Children's Institute, Database Services for Summer of Opportunity

Transmitted herewith for your approval is legislation establishing \$11,500 as maximum compensa-

tion for an agreement with Children's Institute Inc. to provide database services for the 2011 Summer of Opportunity program. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of March 1, 2011 to February 28, 2012.

Children's Institute will continue to modify and maintain an existing database application (COMET) which will allow youth to apply for the Summer of Opportunity on-line. In 2010, 2741 youth applied online; it is expected that over 2,500 youth will apply online in 2011.

Children's Institute was selected to provide this service since the COMET software was developed by them and links to the City School District's system. Using the software will allow relevant non-sensitive information to be shared as necessary with the City upon parental permission being granted.

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

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-76
(Int. No. 82)

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

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

Section 1. The sum of \$11,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Children's Institute, Inc. for database services for the Summer of Opportunity Program from March 1, 2011 to February 28, 2012. Said amount shall be funded from the 2010-11 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. 2011-77
Re: Agreement - Eskay Concerts, d/b/a "Up All Night", Bands On the Bricks/Night Market

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Eskay Concerts, d/b/a "Up All Night" (Gerard Fisher, principal) of Rochester to provide services for the "Bands on

the Bricks/Night Market” summer concert series at the Rochester Public Market. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Eskay Concerts will provide talent and production services for up to eight concerts during July and August 2011, featuring national and regional performers. The free concert series is part of the Public Market’s strategy to increase off-market day use of the site and to attract new visitors to the venue. Last year, over 21,000 people attended the concerts.

Eskay has provided these services for the series for the past eleven years and were instrumental in starting the series. Eskay will provide the City with 25% of the first \$10,000 net revenue, then 50% of additional revenue from food and beverage sales. Profits for the past three years are as follows:

2008	\$1,723
2009	\$5,160
2010	\$3,822

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-77
(Int. No. 89)

Establishing Maximum Compensation For A Professional Services Agreement For Public Market Concerts

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

Section 1. The sum of \$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 Eskay Concerts (d/b/a Up All Night) for talent booking and production services for the “Bands on the Bricks/Night Market” summer concert series at the Rochester Public Market. Said amount shall be funded from the 2010-11 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:

Resolution No. 2011-8
Re: Amending Resolution 2011-5,

Nuisance Points Advisory Board

Transmitted herewith for your approval is legislation amending Resolution 2011-5 which confirmed the appointments of members to the Nuisance Points Advisory Board.

Charlotte Thomas-Burch has declined the appointment. She will be replaced by LaShay Harris, 323 Aldine Street, Rochester 14619. Ms. Harris’ term will expire on December 31, 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Resolution No. 2011-8
(Int. No. 90)

Amending Resolution No. 2011-5, Approving Appointments To The Nuisance Points Advisory Board

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

Section 1. The Council hereby amends Resolution No. 2011-5, approving appointments to the Nuisance Points Advisory Board, by approving the appointment of LaShay Harris, 323 Aldine Street, to replace Charlotte Thomas-Burch for a term which shall expire on December 31, 2011.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-78
Re: Amendment - Ordinance No. 2010-444,
Comprehensive Adolescent Pregnancy
Prevention Grant

Transmitted herewith for your approval is legislation amending Ordinance No. 2010-444 and amending the 2010-11 Budget of the Department and Recreation and Youth Services to reflect a change in one of the service providers for the Comprehensive Adolescent Pregnancy Prevention (CAPP) project.

Ordinance No. 2010-444 will be amended to remove The Community Place of Greater Rochester as a CAPP provider. The organization has decided not to continue services.

The amount of the New York State Department of Health CAPP grant originally allocated to The Community Place to provide CAPP services was \$51,345. That amount will be appropriated from the grant and transferred to the 2010-11 Budget to be used to hire a staff member to provide the project services in the community.

This project change has been approved by the NYS Department of Health.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-78
(Int. No. 91)

Amending Ordinance No. 2010-444, Relating To The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2010-11 Budget

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

Section 1. Ordinance No. 2010-444, relating to the Comprehensive Adolescent Pregnancy Prevention Program is hereby amended by repealing the authorization for the agreement with The Community Place of Rochester and reducing the appropriation in the amount of \$51,345 therefor.

Section 2. Ordinance No. 2010-188, the 2010-11 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 \$51,400, which amount is hereby reappropriated from the Comprehensive Adolescent Pregnancy Prevention Program funds reduced in Section 1.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1628 and
Local Improvement Ordinance No. 1629
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 15 properties adjacent to the Public Market.

The Department of Recreation and Youth Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee, and a fee per frontage foot.

Snow Removal

In 2011-12 for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$2.83 per foot. The total amount of

assessment will be \$5,625.66, which is the same as the 2010-2011 amount.

	<u>2010-11</u>	<u>2011-12</u>
Fixed Fee	\$100	\$100
Properties	<u>x 15</u>	<u>x 15</u>
Total	\$1,500	\$1,500

	<u>2010-11</u>	<u>2011-12</u>
Footage Fee	\$2.83	\$2.83
Footage	<u>x 1,457.83</u>	<u>x 1,457.83</u>
Total	\$4,125.66	\$4,125.66

Security Services

In 2011-12 for security services, the fixed fee remains at \$1,190 per property, and the front footage fee remains at \$10.29 per foot. The total amount of the assessment will be \$32,851.07, which is the same as the 2010-11 amount.

	<u>2010-11</u>	<u>2011-12</u>
Fixed Fee	\$1,190	\$1,190
Properties	<u>x 15</u>	<u>x 15</u>
Total	\$17,850	\$17,850

	<u>2010-11</u>	<u>2011-12</u>
Footage Fee	\$10.29	\$10.29
Footage	<u>x 1,457.83</u>	<u>x 1,457.83</u>
Total	\$15,001.07	\$15,001.07

Public hearings for these assessments are required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-32

Local Improvement Ordinance No. 1628
(Int. No. 83)

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, 2011 to June 30, 2012.

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 2011-12 year shall be \$5,625.66. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and eighty-three cents (\$2.83) per foot of frontage that receives plowing and/or salting services. The

frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania 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, 2011 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Local Improvement Ordinance No. 1629
(Int. No. 84)

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, 2011 to June 30, 2012.

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 2011-12 year shall be \$32,851.07. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus ten dollars and twenty-nine cents (\$10.29) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania 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, 2011 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 77
Re: Agreement - Law Enforcement
Psychological Associates, Fitness
For Duty Evaluations

Transmitted for your approval is legislation establishing maximum compensation of \$7,000 for an agreement with Law Enforcement Psychological Associates (LEPA), Rochester 14623 (principal: Dr. Jay Supnick). The cost of the agreement will be funded from the 2010-11 Budget of the Police Department.

LEPA will provide psychological fitness for duty evaluations for the Police Department during calendar 2011. The consultant has provided similar services to the City for several years at an annual cost of between \$5,000 and \$10,000 financed from the annual Budgets of the Police Department.

Council authorization is requested for this agreement since 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 \$135,000 for 2010-11 (Ordinance No. 2009-220).

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Introductory No. 77

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 \$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 2010-11 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Item held.

Councilmember McFadden moved to discharge Int. No. 78 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 78.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-79 and
Introductory No. 79
Re: Appropriations - Police Department and
The Greater Rochester Area Narcotics
Enforcement Team Forfeiture Funds

Transmitted herewith for your approval is legislation appropriating \$345,000 from federal forfeited property revenues attributable to the Rochester Police Department and \$35,000 attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2010-11 Budget of the Police Department by their inclusion.

The appropriated funds will be used to support the following projects in the Rochester Police Department:

Property Clerk Office	
Improvement Project,	
Equipment/Facilities	\$265,000
Men's Education for	
Non-Violence Project	10,000
Police Recruitment Education	
Program	\$25,000
Police Activities League	10,000
GRANET operations	<u>\$35,000</u>
Total	\$345,000

The City administers RPD's and GRANET's equitable shares of federal forfeiture funds, and keeps a separate accounting for each of these funds. This will be the third appropriation of forfeiture funds during 2010-11. The undesignated balances in RPD's and GRANET's forfeiture funds after this appropriation are estimated at \$279,324 and \$80,158 respectively.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

DANIEL B. KARIN
City Clerk

Ordinance No. 2011-79
(Int. No. 78, As Amended)

* * * * *
SPECIAL MEETING
APRIL 14, 2011
4:00 P.M.

Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Rochester Police Department And Approving An Agreement

Present - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8

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

Absent - Councilmember McFadden - 1.

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$[45,000] 55,000 and to the Cash Capital allocation by the sum of \$265,000, which amounts are hereby appropriated from funds realized from seized and forfeited assets.

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.

Section 2. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe Community College for the Police Recruitment Education Program. Said amount shall be funded from the 2010-11 Budget of the Rochester Police Department.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

Councilmember Miller moved to discharge Int. No. 96 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

Section 3. This ordinance shall take effect immediately.

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Palumbo, Scott, Spaul - 7.

Nays - None - 0.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 96 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Introductory No. 79

Ordinance No. 2011-80
(Int. No. 96)

AMENDING THE 2010-11 BUDGET BY APPROPRIATING FORFEITURE FUNDS FOR THE OPERATIONS OF GRANET

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$914,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The University Avenue And ARTWalk Extension Improvement Project

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

Passed unanimously.

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$35,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Councilmember Miller moved to discharge Int. No. 97 from Committee.

Section 2. This ordinance shall take effect immediately.

The motion was seconded by Councilmember Spaul

Item held.

The motion was adopted by the following vote:

The meeting was adjourned at 8:38 p.m.

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Palumbo, Scott, Spaul - 7.

Nays - None - 0.

Introductory No. 97 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Ordinance No. 2011-81
(Int. No. 97)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$286,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The University Avenue And ARTWalk Extension Improvement Project

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 98 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 98 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Ordinance No. 2011-82
(Int. No. 98)

Authorizing A Grant Agreement, Appropriating Funds And Amending The 2010-11 Budget For The University Avenue And ARTWalk Extension Improvement Project

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 99 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 99 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Local Improvement Ordinance No. 1630
(Int. No. 99)

Local Improvement Ordinance - Public Improvements At 500 University Avenue As A Part Of The University Avenue And ARTWalk Extension Improvement Project

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 100 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 100 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Ordinance No. 2011-83
(Int. No. 100)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue And ARTWalk Extension Improvement Project

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 101 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 101 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Ordinance No. 2011-84
(Int. No. 101)

Amending Ordinance No. 2010-22, Relating To Agreements For Public Art For The University Avenue And ARTWalk Extension Improvement Project

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 102 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 102 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 86 of the current Council Proceedings.

Ordinance No. 2011-85
(Int. No. 102)

Amending Ordinance No. 2009-433, Relating To Easements For The University Avenue And ARTWalk Extension Improvement Project

Passed unanimously.

Councilmember Haag moved to discharge Int. No. 79 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 79 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 97 of the current Council Proceedings.

Ordinance No. 2011-86
(Int. No. 79)

Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Operations Of GRANET

Passed unanimously.

The meeting was adjourned at 4:10 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
APRIL 26, 2011

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Absent - Councilmember Spaul - 1.

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

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

Recognition Ceremony

Retirement:

- Environmental Services
 - *Gary M. Bonisteel
 - *William D. Evans
- Recreation and Youth Services
 - William B. Conge
- Police Department
 - *Herbert H. Brown
 - *Thomas P. Dwyer
 - *Farrell Eli

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of March 22, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 4046-11
 - Quarterly Reports 4047-11
 - Professional Service Agreements

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 Amendatory 2003-04 Community Development Program Plan For The Marketview Heights Association Rental Housing Project And Amending Ordinances No. 2003-338 And 2008-210 Int. No. 112 No speakers.

Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District Int. No. 113 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 114 No speakers.

Changing The Zoning Classification Of 814 Elmwood Avenue And 19 Cook Street From R-1 Low Density Residential To C-V Collegetown Village Int. No. 115 5 speakers: Joan Lindberg, Carol Baumeister, Dan Hurley, Jeff Olszewski, Betsy Brigg.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 116 No speakers.

Authorizing The Sale Of Parcel 1, Rights To Parcel 2 And Additional Rights To Further The Midtown Urban Renewal Plan Int. No. 141 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2011 Int. No. 126 2 speakers: Sam Spoto, Julia Kuikendall.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 127 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 128 1 speaker: Alex White.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 129 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Grove Place Int. No. 130 1 speaker: Ashley Baker.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

Councilmember Conklin moved to amend Int. No. 151.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL Ladies and Gentlemen:

Resolution No. 2011-9 and Ordinance No. 2011-87 Re: Capital Improvement Program - City School District

Transmitted herewith for your approval is legisla-

tion relating to the Capital Improvement Program of the City School District. The legislation will:

- 1. Establish \$12,507,000 as the maximum amount of debt to be authorized on behalf of the District during the 2010-11 fiscal year; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to making capital improvements to existing school buildings in the School District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During fiscal year 2010-11, the City School District debt service schedule liquidates \$14,646,900 in principal. However, included in that number is a principal payment on Audubon School #33 (aka Ryan Center) in the amount of \$1,367,549, for which the City Council, by Ordinance, allowed a one-time debt limit exclusion. In addition, there was a principal payment for Audubon School in fiscal year 2009-2010 (first principal payment) that was not deducted from the amount Council authorized for that fiscal year. A summary is as follows:

Table with 2 columns: Description and Amount. Rows include Total School District principal amortization for fiscal year 2010-11 (\$14,646,940), Less: #33 School principal payment for fiscal year 2010-11 (1,367,549), #33 School principal payment for fiscal year 2009-10 (772,400), Adjusted Amount (\$12,506,991), and Amount Rounded to nearest \$1,000 (\$12,507,000).

The request limit is less than the principal redeemed and, therefore, complies with the Council's debt limit policy.

A copy of the District's 2010-11 CIP bond request for Long-Term Facility Improvements and New Construction will be forthcoming. At its meeting of December 16, 2010, the Board of Education approved a capital plan that detailed the use of \$14,646,000, which did not take the Audubon School #33 one-time exclusion into consideration. The School District will be required to revise the projects to be undertaken in order to comply with the 2010-11 amount of \$12,507,000.

Respectfully submitted, Thomas S. Richards Mayor

Resolution No. 2011-9 (Int. No. 151, As Amended)

Approving The 2010-11 Debt Resolution

For The City School District

Ordinance No. 2011-87
(Int. No. 152)

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized for City School District purposes in fiscal year 2010-11 to \$12,507,000, which is less than the amount of debt to be redeemed in fiscal year 2010-11. The City School District shall provide the City with an amended project list, containing only projects from the original list provided to the City which are to be funded with this reduced amount.

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

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

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

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

This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$12,507,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$12,507,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$12,507,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$12,507,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$12,507,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds,

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

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

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

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

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

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by

Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
April 26, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 103 - Reducing The Amounts Authorized In Certain Bond Ordinances

Int. No. 104 - Authorizing An Agreement For A Records Management Grant And Amending The 2010-11 Budget

Int. No. 136 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Outplacement Services

Int. No. 139 - Amending The 2010-11 Budget And Ordinance No. 2011-52, As Amended

Int. No. 140 - Authorizing An Agreement And Appropriating Funds For The Early Retiree Reinsurance Program

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-88
Re: Rescinding Authorization of
Prior Bonds

Transmitted herewith for your approval is legislation authorizing portions of previous bonds be rescinded. The funds are no longer needed for the projects as originally planned since other funding sources have been secured (e.g., federal stimulus funds) or actual costs are less than originally estimated. The amounts to be deauthorized are as follows:

<u>Ordinance</u>	<u>Amount</u>	<u>Amount to</u>
	<u>Authorized</u>	<u>Deauthorize</u>
	<u>Project</u>	
2008-303	\$7,300,000	\$ 350,000
	City Hall Stone	
2009-044	\$3,799,000	\$1,099,000
	Streets - 2009 Street Improvement	
2009-045	\$1,750,000	\$1,235,000
	Water - 2009 Street Improvement	
2009-046	\$678,000	\$478,000
	Sewer - 2009 Street Improvement	

The amounts referenced above are the authorized but unissued amounts remaining on the Bond Authorizations. The funds no longer needed for the current projects will be reallocated for other street projects.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-88
(Int. No. 103)

Reducing The Amounts Authorized In Certain Bond Ordinances

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

Section 1. Bond Ordinance No. 2008-303, relating to repairs to the City Hall "A" Building, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$350,000, from \$7,300,000 to \$6,950,000.

Section 2. Bond Ordinance No. 2009-44, relating to street reconstruction as a part of the 2009 Street Improvement Program, is hereby amended by reducing the maximum amount of such purpose by the sum of \$1,099,000, and the amount of authorized bonding from \$3,799,000 to \$2,700,000.

Section 3. Bond Ordinance No. 2009-45, relating to water main reconstruction as a part of the 2009 Street Improvement Program, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$1,235,000, from \$1,750,000 to \$515,000.

Section 4. Bond Ordinance No. 2009-46, relating to sewer reconstruction as a part of the 2009 Street Improvement Program, is hereby amended by reducing the maximum amount of such purpose and the amount of authorized bonding by the sum of \$478,000, from \$678,000 to \$200,000.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-89
Re: Agreement - New York State
Department Of Education, Records
Management Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for the receipt and use of a 2010 Local Government Records Management Improvement Fund grant in the amount of \$74,200 to fund a portion of the cost of construction of a climate controlled photo archive vault. This legislation will also amend 2010-11 Cash Capital to reflect the grant; and amend the 2010-11 Budget by transferring \$75,000 from Contingency to Cash Capital to fund the additional costs of the project.

The photo archive vault will be constructed within the Rundel Memorial Library Building at 115 South Avenue. The grant will be administered by the Communications Bureau; project construction will be coordinated by Department of Environmental Services.

The total cost estimate for the project is \$148,000. 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 June 30, 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-89
(Int. No. 104)

Authorizing An Agreement For A Records Management Grant And Amending The 2010-11 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for a 2010 Local Government Records Management Improvement Fund Grant for construction of a photo archive vault.

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

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$74,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein. The 2010-11 Budget is further amended

by transferring the sum of \$75,000 from the Contingency allocation to the Cash Capital allocation to fund the construction of a photo archive vault.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-90
Re: Amendatory Agreement - Career
Development Services, Outplacement
Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Career Development Services for continued provision of outplacement services for City employees. The original agreement (Ordinance No. 2010-39) established \$72,000 as maximum compensation and will fund services through May 19, 2011. This amendment will extend the agreement for one year through May 19, 2012, and increase compensation by \$50,000 to provide services through June 30, 2012. The additional cost will be funded from the Undistributed allocation of the 2010-11 Budget.

Career Development Services provides outplacement services for employees of the City of Rochester who are displaced either during the budget process or at other times during the year. Employees who are displaced have access to the outplacement services for two months following their termination date.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-90
(Int. No. 136)

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

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Career Development Services for the continued provision of outplacement services for displaced City employees for an additional year. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2011-91
Re: Amending the 2010-11 Budget - W. Main
Street Demolitions and Special Election

Transmitted herewith for your approval is legislation amending the 2010-11 Budget as follows:

1. Transfer \$300,000 from Contingency to the Cash Capital allocation of the Department of Neighborhood and Business Development to fund the demolition of two City-owned buildings;
2. Appropriate \$115,000 in anticipated reimbursements from Monroe County to cover the cost of election inspectors for the March 29, 2011 Special Election for Mayor.

Demolitions

Two three-story row buildings located at 888-892 W. Main Street and 900 W. Main Street have been vacant since September 1993 and June 1994, respectively, and were acquired by the City through tax foreclosure in November 2001 (888-892) and April 2010 (900). The two buildings are separated by 894-898 W. Main Street, which is a privately-owned and partially occupied row building.

A recent inspection of these two buildings by City staff revealed that both are in a state of severe structural disrepair and pose a potential health and safety hazard. Each building has sustained major water damage; 888-892 W. Main Street has also been damaged by fire. As a result, the upper floors have collapsed onto the lower floors. At 888-892 W. Main Street, there is also visual evidence of the brick corners separating from the main structure. As such, both are recommended for demolition.

Due to the structural instability of these buildings, it is not possible to perform pre-demolition asbestos work. Consequently, the demolitions will be treated as an asbestos project with entire buildings and contents being handled as asbestos waste.

The funding will also provide for any necessary repairs to the walls of the adjacent buildings once these buildings are removed. All demolition/asbestos work will be publically bid.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-91
(Int. No. 139, As Amended)

Amending The 2010-11 Budget And Ordinance No. 2011-52

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

Section 1. Ordinance No. 2010-188, the 2010-

11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$300,000 from the Contingency allocation to the Cash Capital allocation to fund the demolition of City properties.

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the City Council and Clerk by the sum of \$115,000, which amount is hereby appropriated from funds to be received from Monroe County for election inspectors.

Section 3. Ordinance No. 2011-52, Amending The 2010-11 Budget, as amended, is hereby further amended by deleting the words "revenue estimates from state aid and" where they appear in Section 1 thereof.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-92
Re: Early Retiree Reinsurance Program

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Health and Human Services for the receipt of \$1,290,000 in reimbursements through the Patient Protection and Affordable Care Act (PPACA) - Early Retiree Reinsurance Program (ERRP), and appropriating that amount to establish an Early Retiree Reinsurance Program Fund.

The purpose of ERRP is to encourage sponsors of retiree health plans to continue maintaining those plans, particularly for early retirees who are not yet eligible for Medicare, until the state-based health insurance exchanges established by PPACA become operational in 2014. Consequently, the program represents a stop-gap measure to bridge the time between the passage of PPACA and the time that the exchanges are established.

ERRP began in June 2010 with a \$5 billion allocation, and expires January 1, 2014, or earlier if funds are depleted. The allocation provides reimbursements to plan sponsors for a portion of the medical claims incurred by early retirees and their spouses and dependents. Early retirees are defined as those age 55 or older, who are not eligible for coverage under Medicare. The City of Rochester applied for and was accepted into the program as a designated plan sponsor.

Reimbursements cover 80% of paid claims costs between \$15,000 and \$90,000 incurred during a plan year for each early retiree, their spouse, or dependent. The reimbursement period for the

City of Rochester commenced with claims incurred on or after June 1, 2010 when the program started.

A plan sponsor must use the proceeds under this program: 1) to reduce the sponsor's health benefit premiums or health benefit costs; 2) to reduce plan participants' health benefit premium contributions, copayments, deductibles, coinsurance, or other out-of-pocket costs, or any combination of these costs; or 3) to reduce any combination of the costs specified in (1) and (2). The plan sponsor is expected to continue the same level of support and contribution as it did before ERRP; therefore, the program funds will be used to offset increases in the City's share from year to year.

The reimbursements may not be used by the plan sponsor as general revenue. As such, it is recommended that the current and any future reimbursements through the ERRP be appropriated from the ERRP fund as revenue into the budget to provide for a partial offset to increases in the City's health benefit costs.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-92
(Int. No. 140)

Authorizing An Agreement And Appropriating Funds For The Early Retiree Reinsurance 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 Health and Human Services for funding under the Patient Protection and Affordable Care Act for the Early Retiree Reinsurance Program.

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

Section 3. There is hereby appropriated from funds to be received under the Patient Protection and Affordable Care Act the sum of \$1,290,000 to fund the Early Retiree Reinsurance Program Fund to pay for eligible City costs under the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 474 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 474 was introduced December 14, 2010 and appears in its original form with its transmittal letter on page 433 of the 2010 Council Proceedings.

Ordinance No. 2011-93
(Int. No. 474)

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

Passed unanimously.

By Councilmember Palumbo
April 26, 2011

To the Council:

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

Int. No. 105 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2011-21

Int. No. 106 - Authorizing The Sale Of A Portion Of 1315 South Plymouth Avenue

Int. No. 107 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Centers

Int. No. 108 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$345,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Streets, Sidewalks And Water Mains To Effectuate The Cascade Area Urban Renewal Plan

Int. No. 109 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Scott Alley Public Improvement Project, As Amended

Int. No. 110 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For Wilson Commencement Park

Int. No. 111 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The East House-State Street Apartment Project

Int. No. 137 - Authorizing An Amendatory Agreement For The Lead Hazard Reduction Demonstration Grant Program

Int. No. 138 - Authorizing An Application And Agreements For The Midtown Plaza Revitalization Project

Int. No. 146 - Resolution Endorsing Grant

Applications For The New York Main Street Program, As Amended

Int. No. 147 - Establishing Maximum Compensation For A Professional Services Agreement For Business Development Services

Int. No. 148 - Local Law Amending The City Charter With Respect To The Commissioner Of Neighborhood And Business Development

Int. No. 149 - Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets

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

Int. No. 112 - Authorizing An Amendatory 2003-04 Community Development Program Plan For The Marketview Heights Association Rental Housing Project And Amending Ordinances No. 2003-338 And 2008-210

Int. No. 113 - Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District

Int. No. 114 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 115 - Changing The Zoning Classification Of 814 Elmwood Avenue And 19 Cook Street From R-1 Low Density Residential To C-V Collegetown Village

Int. No. 116 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related to Downtown Special Services And Authorizing An Agreement

Int. No. 141 - Authorizing The Sale Of Parcel 1, Rights To Parcel 2 And Additional Rights To Further The Midtown Urban Renewal Plan

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin (Voted against Int. Nos. 110, 111 and 137)

Dana K. Miller
Lovely A. Warren (Did not vote on Int. Nos. 137, 138, 141, and 146 through 149)

Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-94
Re: Sale of Real Estate and Amending Ordinance No. 2011-21

Transmitted herewith for your approval is legisla-

tion approving the sale of 11 properties and amending a prior ordinance.

Sale of Real Estate

Each of the eleven properties is an unbuildable vacant lot that is being purchased by the adjacent owner for \$1. The intent of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these eleven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,483.

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. 2011-21

This ordinance, approved in February 2011, authorized the sale of 129-131 Weld Street. It contained a typographical error that will be corrected through this amendment. The original ordinance approved the sale with an indicated sale price of \$10,000; the correct price for the lot is \$1,500. This change does not affect the total tax impact.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-35

Ordinance No. 2011-94
(Int. No. 105)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2011-21

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>
111-111.5 Evergreen St 106.38-1-20	43x71 Celia Irvin	3,096
358-362 Garson Av 107.61-2-66	40x75 Helen Hinton	3,049
48.1 Lill St. (SH) 106.30-4-14.1	29x78 Eula Dozier	2,325
48.2 Lill St (NH) 106.30-4-14.1	29x78 Hatice Orr Canca	2,325
55 Lill St 106.30-4-7	40x86 Ronald Wilcox	3,484
23 Mark St 106.41-2-60	31x104 Sidney & Barbara Benware	3,224
25 Mark St 106.41-2-61	33x104 Willie Clay	3,432

29 Reed Pk 106.41-4-15	33x99 Cherod Lewis	3,049
123 Roth St 106.21-3-16.1	74x95 Milton Bryant	7,125
129 Woodbury St 106.57-1-46	6x109 Rafael Marte	654
Pt of 131 Woodbury St Pt of 106.57-1-47	3x109 Rafael Marte	327

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

Section 3. Section 1 of Ordinance No. 2011-21, authorizing the sale of real estate, is hereby amended by changing the price for the sale of 129-131 Weld Street from \$10,000 to \$1,500.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-95
Re: Sale of Land - Portion of 1315 S.
Plymouth Avenue

Transmitted herewith for your approval is legislation authorizing the sale of a portion of 1315 South Plymouth Avenue for redevelopment as part of the Brooks Landing Revitalization Project. The parcel is being sold to Ronald A. Christenson or an entity to be formed by him, for the appraised value of \$18,000, as determined by an independent appraisal conducted by Bruckner, Tillett, Rossi, Cahill & Associates in October 2010.

This City-owned vacant property is located on the west side of the Genesee River spanning from the northern boundary of 910 Genesee Street, north to the Exchange Street right-of-way, and just south of Ford Street. It was formerly a portion of the Pennsylvania Railroad right-of-way. The portion to be subdivided for the sale is approximately 1.7 acres, is adjacent to 910 Genesee Street and bordered on the west by residential properties on Barton Street, and on the east by the Plymouth Gardens high-rise apartment building (see attached map).

The parcel to be sold will be developed as a parking lot; Phase I will provide 72 spaces for tenants of retail space at the Brooks Landing Business Center (BLBC) at 910 Genesee Street. The 28,000 square foot BLBC has office space on the second floor and a mix of office and retail space on the first floor. The office space is fully occupied by more than 100 University of Rochester (UR) employees. The existing parking lot for the BLBC includes 120 spaces and is at capacity

during the day with employees and visitors to the UR offices.

Phase II will provide 113 spaces needed for future demand anticipated as a result of expanded UR operations on the bottom floor of the nearby Staybridge Suites hotel and an overall increase in visitors to Brooks Landing. The sources and uses of funds for the project are as follows:

Use of funds:	\$ 18,000	Land purchase
	70,000	Phase 1 construction
	140,00	Phase 2 construction
	<u>10,000</u>	Soft costs
	\$238,000	

Source of funds: \$238,000 Developer equity

Economic benefits of the project include: redevelopment of underutilized land, increasing property tax revenue, and increasing commercial development and job creation. Construction of Phase 1 is expected to be completed in the summer of 2011; Phase 2 is anticipated to be completed within 24 months of the completion of Phase 1.

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 impacts. A negative declaration has been issued.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-36

Ordinance No. 2011-95
(Int. No. 106)

Authorizing The Sale Of A Portion Of 1315 South Plymouth Avenue

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 1315 South Plymouth Avenue, SBL No. 135.35-1-18.4, approximately 1.7 acres in size, to Ronald A. Christenson, or an entity to be formed by him, for the sum of \$18,000, for use with the Brooks Landing Revitalization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to return Int. No. 107 to Committee.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 107

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, 2011. The cost of this agreement will be funded from the 2011-12 Budget of the Department of Neighborhood and Business Development, contingent upon adoption of the 2011-12 budget.

Ms. Winslow has 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,
R. Carlos Carballada
Acting Mayor

Introductory No. 107

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE HIGH FALLS CENTERS

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

Section 1. The sum of \$41,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Sally Wood Winslow for the operation of the museum, interpretive center, gallery and gift shop at the High Falls Centers for a term of one year. Said amount shall be funded from the 2011-12 Budget of the Neighborhood and Business Development Department, contingent upon adoption of said Budget. 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.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-96 and
Ordinance No. 2011-97
Re: Scott Alley - Right-of-Way Improvements

Transmitted herewith for your approval is legislation related to the Scott Alley Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$345,000 and appropriation of the proceeds thereof to finance a portion of the costs of the street and utility improvements as part of the development site formerly known as 116 West Main Street; and
2. Authorize an amendatory agreement with Stantec Consulting Services Inc., Rochester, for resident project representation (RPR) services. The original agreement, authorized in March 2011 (Ordinance No. 2011-65), provided maximum compensation of \$110,000 for RPR services on the Oakwood Road Improvement project. This amendment will increase compensation by \$50,000 for a total of \$160,000.

The proposed improvements include new water and sewer mains and the reconstruction of Scott Alley as well as miscellaneous sidewalk repairs in the ROW adjacent to the re-subdivided project site (see attached project subdivision/location map). The improvements are needed to accommodate the proposed mixed-use development project at the site scheduled to begin in Summer 2011. The project will be administered by the Department of Environmental Services, Bureau of Architecture and Engineering.

The development project includes 24 new market-rate townhomes and a new mixed-use commercial building at the corner of West Main Street and North Plymouth Avenue. The sale of this City-owned parcel for redevelopment was previously authorized by City Council in January 2011 (Ordinance No. 2007-7).

The total cost for the improvements is estimated to be \$555,000. The project will be funded from the proposed bond issuance (\$345,000) and \$210,000 from the 2007-08 Cash Capital allocation of the Department of Neighborhood and Business Development. As part of Council's authorization for the sale of 116 West Main Street, the original funding plan was full utilization of Cash Capital funds. Since then, it was determined that debt utilization was a more appropriate source of funds for the improvements. Site improvement funding originally identified in the 2009-10 Capital Improvement Program has been re-purposed for the project.

Stantec is recommended for additional RPR services concurrent with the timeframe for services on the Oakwood Road Improvement project given the consultant's qualifications, availability of staff and administrative savings through joint project

administration. The agreement shall be funded from the Cash Capital allocation for the project.

Construction for the Scott Alley improvements is scheduled to begin in summer 2011 and be completed in Fall 2011.

Respectfully submitted,
R. Carlos Carballeda
Acting Mayor

Attachment No. AK-37

Ordinance No. 2011-96
(Int. No. 108)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$345,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Streets, Sidewalks And Water Mains To Effectuate The Cascade Area Urban Renewal Plan

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of effectuating the Cascade Area Urban Renewal Plan, including the cost of construction and reconstruction of streets, sidewalks and water mains along Scott Alley and at the City-owned development parcel at 116 West Main Street in the City. The currently estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$345,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$345,000 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 \$345,000 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 \$345,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice

attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2011-97
(Int. No. 109, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Scott Alley Public Improvement Project

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services related to the Scott Alley Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of [S]said amount, \$20,000 shall be funded from the 2007-08 Cash Capital allocation and \$30,000 shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-98
Re: PILOT - Wilson Commencement Park

Transmitted herewith for your approval is legislation authorizing the continuation of a property tax exemption and payment-in-lieu of tax (PILOT) agreement with the Wilson Commencement Housing Development Fund Corporation equal to 10% of shelter rents minus utilities for the property at 285-343 Joseph Avenue.

Wilson Commencement Park Housing Development Fund Corporation (WCPHDFC) is a not-for-profit corporation formed in 1989 for the purpose of providing transitional housing. The WCPHDFC was organized under Section 45-a of the Private Housing Finance Law.

The project was initially approved for a 20 year PILOT by Ordinance No. 89-412. At that time, it was anticipated that a second 20 year PILOT agreement would be approved in order to keep the rents affordable to the target population.

Housing staff has reviewed the financial statements from the WCPHDFC and recommends the continuation of the PILOT agreement at the same terms of 10% shelter rents minus utilities. Annual payments are estimated at \$26,230. A project description is attached.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-38

Ordinance No. 2011-98
(Int. No. 110)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For Wilson Commencement Park

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 20 years, the following property, owned by the Wilson Commencement Park Housing Development Fund Corporation, and used for housing for Wilson Commencement Park:

<u>Address</u>	<u>SBL No.</u>
285-343 Joseph Avenue	106.47-1-27.2

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 20 years with the Wilson Commencement Park Housing Development Fund Corporation, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-99
Re: PILOT - East House-State Street Apartments

Transmitted herewith for your approval is legislation authorizing a property tax exemption and payment-in-lieu-of-taxes (PILOT) for East House-State Street Apartments, a redevelopment

project to be undertaken by Providence Housing Development Corporation and East House Corporation as co-developers. The PILOT will be with the Housing Development Fund Corporation to be formed by Providence and will be equal to 10% of shelter rents minus utilities for 435 State Street.

East House-State Street Apartments is a single, two-story building which will provide permanent supportive housing for individuals with mental illness. The project will include 45 one-bedroom apartments, and commercial space on the first floor to house supportive services for property tenants of East House, a licensed service partner. Thirty of the 45 units will be licensed by the New York State Office of Mental Health (OMH). The project has selected an income limit of 50% and below of AMI. However, each of the 30 licensed beds will receive an operating subsidy through the OMH, allowing them to serve households at 30% and below of AMI.

Each apartment will be 563-789 square feet and have a private storage area. Shared community space, including lounge areas, a community room with kitchen, coin-operated laundry facilities, and an outside recreational area, will be available for the exclusive use of tenants. The parcel will include 25 parking spaces, including one handicapped space, for tenants and staff.

The first-floor office space will be occupied by East House, through a 15-year guaranteed lease. The 2,004 square feet of commercial space will include offices for 15 full-time employees, a reception area, a medication room, and office administrative space for a copier, storage and records.

The total cost of the project is \$8.7 million. Providence and East House are requesting a PILOT as an alternate to assessment under RPTL 581A, to which the project is entitled under NYS law to offset operating costs needed to maintain rents affordable to the target population. The PILOT agreement will extend for 16 years and result in annual payments of \$28,903.

A project description and budget are attached.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-39

Ordinance No. 2011-99
(Int. No. 111)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The East House-State Street 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 16 years, the following property, to be owned by Providence State Street Housing Development Fund Company, Inc. for the purpose of developing the Project, and to be used for housing as a part of the East House-State Street Apartment Project:

<u>Address</u>	<u>SBL No.</u>
435 State Street	106.69-1-54

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 16 years with the housing development fund corporation or an affiliated 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 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-100
Re: Amendatory Agreement -
Environmental Education Associates,
Inc., Lead Hazard Reduction
Demonstration Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Environmental Education Associates, Inc. (EEA) to increase maximum compensation from \$40,000 (authorized through Ordinance No. 2010-201) to \$47,900 for additional services related to the Lead Hazard Reduction Demonstration Program. The additional \$7,900 will be funded from the 2008 HUD Lead Hazard Reduction Demonstration Grant.

EEA has provided training services to support the City's Lead Hazard Control Program since 2004. Their most recent agreement was authorized by City Council in June 2010. EEA provides training, upon approval by the City, to landlords and contractors who undertake lead hazard control work. However, in February and March 2011, EEA offered additional training sessions that had not been approved by the City. In addition to this, they inadvertently failed to submit an invoice for a course held in November 2010. The funds to cover the cost of these additional courses are

not available under the terms of the current contract.

It is recommended that these costs be covered through available funding for the following reasons:

- 1) The 2008 HUD Lead Hazard Reduction Demonstration Grant program authorizes contractor training as an approved activity and quarterly benchmarks are established by HUD to measure the City's performance. Reporting this extra training to HUD allows the City to not only meet the established benchmark, but to exceed it. Exceeding program goals is a positive outcome recognized by HUD.
- 2) Appropriate funding is available within the original budget for the Demonstration Program.
- 3) These additional training courses have enabled 55 landlords/contractors to obtain certification to comply with EPA's new rule concerning their renovation, remodeling and repair program. This outcome is consistent with the City's overall goal of reducing child lead poisoning. By increasing the education level of those that undertake lead hazard control, fewer children will be at risk.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-100
(Int. No. 137)

Authorizing An Amendatory Agreement For The Lead Hazard Reduction Demonstration 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 amendatory agreement with Environmental Education Associates, Inc. for training services for the 2008 Lead Hazard Reduction Demonstration Grant Program.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$7,900, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation of 2008 Lead Hazard Reduction Demonstration Grant Program Funds made in Ordinance No. 2009-101.

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 by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-101
Re: Empire State Development Corporation
Grant Application

Transmitted herewith for your approval is legislation authorizing an application to the New York State Empire State Development Corporation (ESD) for financial assistance of up to \$11 million and the subsequent execution of any necessary agreements for the receipt of the funds. The requested assistance provides for the reallocation of remaining previously authorized ESD funds for asbestos removal and demolition of the Midtown Plaza complex.

ESD had initially allocated \$55,000,000 for State-administered air monitoring, demolition, and asbestos abatement work at the Midtown site. While the contracts for that work have not been finally closed out at this point, it is anticipated that costs will total to less than \$45 million and could be as low as \$44 million. At ESD's direction, the City is requesting that the remaining funds be re-allocated to Midtown site redevelopment efforts led by the City to be used as follows:

\$ 1,500,000	Site preparation costs - proposed PAETEC corporate headquarters
2,079,765	Reconstruction of the truck and pedestrian tunnels at the Midtown site
<u>7,420,235</u>	Reconstruction of the Midtown Parking Garage
\$11,000,000	Total

These projects will commence in Spring and Fall 2011, with completion by Summer 2013.

If the grant application is approved, City Council approval will subsequently be sought to appropriate the funds and authorize agreements to implement the project, including an agreement with PAETEC for the site preparation costs.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-40

Ordinance No. 2011-101
(Int. No. 138)

Authorizing An Application And Agreements For The Midtown Plaza Revitalization Project

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into necessary agreements with the New York State Urban Development Corporation d/b/a Empire State Development Corporation whereby the funds remaining from the asbestos removal and demolition of Midtown Plaza will be reallocated to fund Midtown site redevelopment efforts as a part of the Midtown Plaza Revitalization Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2011-10
Re: New York Main Street Program

Transmitted herewith for your approval is legislation endorsing the applications of the South Wedge Planning Committee, the South East Area Coalition (SEAC), North Winton Village, and Sector 4 CDC to the New York State Division of Housing and Community Renewal (DHCR) for Main Street Grants.

The New York Main Street Program was established in 2004. Under the terms of the program, not-for-profit organizations can apply for grants of up to \$500,000 in 2011 to be applied to one of four program objectives: façade renovation, building renovation, streetscape enhancement and downtown anchor grants.

The legislation that created the program requires that the local legislative body provide a resolution of endorsement to ensure these applications are consistent with governmental policies and goals. The applicants must meet these requirements.

The applications will impact the following areas: 422 S. Clinton Avenue, the East side of South Avenue between Hickory Street and Gregory Street, Monroe Avenue, East Main Street, and Thurston Road.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Resolution No. 2011-10
(Int. No. 146, As Amended)

Resolution Endorsing Grant Applications For The New York Main Street Program

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

Section 1. The Council hereby endorses the applications of the South Wedge Planning Committee, the South East Area Coalition, North

Winton Village, the Ibero-American Development Corporation and the Sector 4 Community Development Corporation to the New York State Division of Housing and Community Renewal for inclusion in the New York Main Street Grant Program, and finds that the applications are consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing and Community Renewal and to the applicants.

Section 3. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-102
Re: Agreement - High Tech Rochester Inc.,
Economic Development Services

Transmitted herewith for your approval is legislation establishing \$11,000 as maximum compensation for an agreement with High Tech Rochester, Inc. (HTR) for services provided to city businesses July 1, 2010 through June 30, 2011. The cost of this agreement will be financed from the 2010-11 Budget of the Department of Neighborhood and Business Development.

The City has contracted annually with HTR to provide technical assistance to businesses located in the city. The annual cost has been \$10,000, and therefore has not required Council authorization. However, following negotiations with the firm, it was agreed that the compensation would be increased to \$11,000.

HTR will provide coaching and business development services in the areas of financing, strategic planning, innovation, and product development to both mature and start-up high-tech and manufacturing companies to aid in their growth and development. City funds will also be used to partially support the annual Rochester Regional Business Plan Contest administered by HTR.

In 2009-10, as a result of HTR's assistance, City businesses retained 241 jobs, created an additional 37 positions, and added \$2.266 million in investment. The City has had a long relationship contracting with HTR; however the maximum compensation has been \$10,000 over the past several years thus not requiring Council approval.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-102
(Int. No. 147)

Establishing Maximum Compensation For A Professional Services Agreement For Business Development Services

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 High Tech Rochester Inc. for business development services for City businesses from July 1, 2010-June 30, 2011. Said amount shall be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1 and
Local Law No. 2
Re: Amending the City Charter

Transmitted herewith for your approval is legislation amending the City Charter as follows:

1. Replacing "Commissioner of Community Development" with "Commissioner of Neighborhood and Business Development" in various sections. When the Charter was amended in 2009 to reflect the creation of the Department of Neighborhood and Business Development, some references to the commissioner were inadvertently missed. This amendment will ensure consistent reference to the current title.
2. Section 10-8 will be amended to extend authority to issue appearance tickets for violations of the Anti-Litter and Snow Ordinances, Refuse and Sanitation Codes, and Property Conservation Code to Code Enforcement Inspectors in the Department of Neighborhood and Business Development. The amendment will also set forth clearly in the Charter that State-certified code enforcement officers may issue appearance tickets for code violations that include both local codes and the New York State Uniform Fire Prevention and Building Code.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Local Law No. 1
(Int. No. 148)

Local Law Amending The City Charter With Respect To The Commissioner 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 deleting the words "Commissioner of Community Development" in each place where they appear in Section 12-34, Board of Examiners of Stationary Engineers and Refrigeration Operators; Section 12-39, Electrical Examining Board; and Section 12-42, Elevator Examining Board, and by inserting in their place the words "Commissioner of Neighborhood and Business Development".

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 2
(Int. No. 149)

Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 10-8, Issuance of appearance tickets, to read in its entirety as follows:

§ 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, including violations of the New York State Uniform Fire Prevention and Building Code. Code Enforcement Inspectors 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, Refuse and Sanitation Codes, and Property Conservation Code. Neighborhood Service Centers Administrators are further authorized to issue appearance tickets for violations of the Noise Code.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-103
Re: Amending Ordinance Nos. 2003-04 and 2003-338, and the 2003-04 Consolidated Community Development Plan

Transmitted herewith for your approval is legislation related to the Marketview Heights Rental Housing Project. This legislation will:

1. Amend the 2003-04 Community Development Plan by transferring \$100,000 in HOME funds from the Home Purchase Assistance, Employer Assisted Housing Initiative allocation to the Rental Housing Fund;
2. Amend Ordinance No. 2008-210 for the Marketview Heights Association Rental Housing Project by increasing the loan amount from \$80,000 to \$180,000, and appropriate \$100,000 in HOME funds from the Rental Housing Fund of the 2003-04 Community Development Plan to fund the increase; and
3. Amend Ordinance No. 2003-338 to reduce the amount of HOME funds previously appropriated for the Home Purchase Assistance, Employer Assisted Housing Initiative allocation of the 2003-04 Community Development Plan by \$100,000, from \$400,000 to \$300,000.

Marketview Heights Association (MVH) received funding from New York State to redevelop two adjacent buildings located at 308-310 North Street. The proposed development will combine the buildings to include a new office for MVH on the first floor and eight affordable rental units on the second and third floors. Occupants will be required to have incomes at or below 30% AMI.

In June 2008, City Council approved funding and a PILOT agreement for this project (Ordinance Nos. 2008-210 and 2008-211). MVH has been unable to proceed with the project due to several delays stemming from state requirements for further environmental review and design changes. This resulted in significant cost increases. To partially cover these costs, MVH received additional funding from the Federal Home Loan Bank (FHLB). The additional \$100,000 loan from the City will be used to close the remaining funding gap. It is anticipated that construction will commence upon authorization of funding and be completed by December 2011. A project budget is as follows:

<u>Construction Financing</u>	<u>Amount</u>
City of Rochester	\$ 162,000
Loan	1,122,897
FHLB	<u>180,000</u>
Total	\$1,464,897

<u>Permanent Financing</u>	<u>Amount</u>
New York State HTF	\$ 800,000
New York State HOME	129,897
New York State Urban Initiatives	100,000
City	180,000
Loan	75,000
FHLB	<u>180,000</u>
Total	\$1,464,897

A public hearing to amend the 2003-04 Consolidated Community Development Plan is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-41

Ordinance No. 2011-103
(Int. No. 112)

Authorizing An Amendatory 2003-04 Community Development Program Plan For The Marketview Heights Association Rental Housing Project And Amending Ordinances No. 2003-338 And 2008-210

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

Section 1. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby \$100,000 will be transferred within the HOME Program from the Home Purchase Assistance, Employer Assisted Housing Initiative Account to a new Marketview Heights Association Rental Housing Project Account in the Rental Housing Fund.

Section 2. Ordinance No. 2008-210, relating to a loan agreement with the Marketview Heights Association, Inc. for the Marketview Heights Association Rental Housing Project, is hereby amended by increasing the authorized amount of the loan from \$80,000 to \$180,000, which increase of \$100,000 is hereby appropriated from the Rental Housing Fund of the 2003-04 HOME Program.

Section 3. Ordinance No. 2003-338, relating to the Employer Assisted Housing Initiative, is hereby amended by reducing the amount appropriated in Section 1 from 2003-04 HOME Program funds by the sum of \$100,000, from \$400,000 to \$300,000, which amount is transferred and reappropriated herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1631
Re: East Avenue/Alexander Street
Entertainment District

Transmitted herewith for your approval is legislation re-authorizing the special assessment district within the East Avenue/Alexander Street Entertainment District for a two-year period, and establishing the amount of \$20,530 as the special assessment for the District.

The special assessment covers the cost of additional trash removal on Saturday and Sunday, from 3:00 to 5:00 a.m., from April through October, required as a result of increased activity in the District during this period. The assessment is apportioned among the properties within the district that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots which profit from the patrons).

In 2011-12, the fixed fee for additional services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total assessment for the district is \$20,530.

The City will levy the annual operating assessment against properties containing certain establishments or functions in the district as follows:

	<u>Annual Charge</u>
Parking lot under 2,500 Sq Ft	\$217
Parking lot 2,500-4,999 Sq Ft	\$422
Parking lot 5,000-9,999 Sq Ft	\$627
Parking lot 10,000 Sq Ft or more	\$855
Small sit-down restaurant	\$217
Take-out restaurant/smaller bar	\$422
Large bar/sit-down restaurant	\$980

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Local Improvement Ordinance No. 1631
(Int. No. 113)

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 2011 and 2012.

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:

<u>SBL #</u>	<u>Property Address</u>	<u>Code</u>
<u>Owner Name</u>		
121.33-1-11	7 Ryan Alley VBS of Rochester Inc.	1
121.26-1-63	16 Lawrence St Whiting Chauncey L Jr	2
121.26-1-64	14 Lawrence St Whiting Chauncey L Jr	2
121.34-1-31	285 Alexander St 277 Alexander LLC	2
121.33-1-12	22 Anson Pl 277 Alexander LLC	3
121.33-1-13	24 Anson Pl 277 Alexander LLC	3
121.33-1-14	277 Alexander St 277 Alexander LLC	5
121.33-1-14	277 Alexander St 277 Alexander LLC	6
121.34-1-36	297 Alexander St 333 East LLC	3
121.34-1-34	293 Alexander St Pyrzrak Linda M	7
121.25-1-48	7 Lawrence St Apub Inc	7
121.26-1-62	18 Lawrence St Apub Inc	2
121.34-1-32	289 Alexander St Rochester East End Properties	5
121.25-1-47	330 East Av LLD Enterprises Inc	5
121.25-1-45	320 East Av LLD Enterprises Inc	5
121.34-1-35	295 Alexander St 295 Alexander St LLC	6
121.34-1-30	282 Alexander St 282 Alexander LLC	5
121.34-1-33	291 Alexander St Davis Ronald A & Cowden Tabor	7
121.26-1-41	336 East Av RRB Properties LLC	7
121.26-1-41	336 East Av RRB Properties LLC	6
121.26-1-41	336 East Av RRB Properties LLC	7
121.26-1-45	315 Alexander St The Fitch Building LLC	6
121.26-1-45	315 Alexander St The Fitch Building LLC	7
121.26-1-44	360 East Av The Fitch Building LLC	7
121.26-1-58	28.5 Lawrence St The Fitch Building LLC	1
121.26-1-59	26 Lawrence St The Fitch Building LLC	2
121.26-1-39	355 East Av 339 East Avenue LLC	7
121.26-1-39	355 East Av 339 East Avenue LLC	7
121.34-1-38	301 Alexander St 339 East Avenue LLC	4
121.26-1-38	384 East Av Chen Teh-Huiy & Shue-Que	4

121.26-1-40	1 Ryan Alley 333 East LLC	7
121.26-1-40	311 Alexander St 339 East LLC	6
121.26-1-40	343 East Av 333 East LLC	6
121.26-1-40	349 East Av 333 East 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</u>
Parking Lot Under 2500 Sq Ft	1	\$217
Parking Lot 2500-4999 Sq Ft	2	\$422
Parking Lot 5000-9999 Sq Ft	3	\$627
Parking Lot 10000 Sq Ft Or More	4	\$855
Small Sit Down Restaurant	5	\$217
Take Out Rest/Smaller Bar	6	\$422
Large Bar/Sit Down Restaurant	7	\$980

Section 4. The additional costs relating to such street cleaning upgrading, in an amount not to exceed \$20,530 for 2011, shall be assessed and billed on the 2011-12 tax bill and shall be due in one installment. The amount to be billed for 2012-13 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.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1632
Re: High Falls Business Improvement District

Transmitted herewith for your approval is legislation approving the 2011-12 levy of \$25,000 for the High Falls Business Improvement District (BID) and continuing to apportion the costs among the properties within the district.

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 BID was established in 2004.

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,
R. Carlos Carballada
Acting Mayor

Local Improvement Ordinance No. 1632
(Int. No. 114)

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 2011-12 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, 2011.

Passed unanimously.

Councilmember Palumbo moved to return Int. No. 115 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 115
Re: Zoning Map Amendment - 814 Elmwood Avenue and 19 Cook Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 814 Elmwood Avenue and 19 Cook Street from R-1 Low Density Residential District to C-V Collegetown Village District. The properties are currently developed with a single-family dwelling and a two-family dwelling, respectively, which are proposed to be demolished.

The rezoning has been requested by the owner of 814 Elmwood Avenue, Pat Benfante. The rezoning is proposed in conjunction with the proposed redevelopment of two properties for shared access, and for parking for the Elmwood Inn at 1256 Mt. Hope Avenue and the Benfante property

at 1286 Mt. Hope Avenue. Also, the rezoning will accommodate the proposed conversion of a portion of the Benfante property to a proposed Tim Horton drive-through restaurant. Although the current R-1 zoning specially permits ancillary parking lots, it does not permit the use of R-1 land for drive-through operations. Queuing for the drive-through is proposed on a portion of the 814 Mt. Hope parcel. The owner of 19 Cook Street, Paul Dean, who also owns the Elmwood Inn, consents to the rezoning.

Upon the successful rezoning of the properties to C-V Collegetown Village, the establishment of the drive-through component of the restaurant will be subject to Site Plan Review approval by the Director of Planning and Zoning and Area Variance Approval by the Zoning Board of Appeals. The parking lot component is permitted in the C-V district and will be included in the overall Site Plan Approval process. The rezoning does not guarantee the approval of the variances required for the drive-through. However, the C-V zoning would provide greater flexibility in the future.

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 an unlisted action. An environmental determination has been issued.

The Planning Commission will hold an information meeting on this rezoning at their April 11, 2011 meeting. Their recommendation will be forwarded to City Council prior to the April 26, 2011 Council Meeting.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Introductory No. 115

CHANGING THE ZONING CLASSIFICATION OF 814 ELMWOOD AVENUE AND 19 COOK STREET FROM R-1 LOW DENSITY RESIDENTIAL TO C-V COLLEGETOWN VILLAGE

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 814 Elmwood Avenue and 19 Cook Street, from R-1 Low Density Residential to C-V Collegetown Village:

814 Elmwood Avenue

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

and described as follows: Beginning at a point in the centerline of Elmwood Avenue (100' ROW) at the intersection of the southerly extension of the east line of Lot 14 of the Mount Hope & South Avenue Building Lot Association Subdivision, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 62, said intersection being the Point or Place of Beginning; thence

- 1) Westerly, along said centerline, a distance of 43.7 feet to the southerly extension of the west line of said Lot 14; thence
- 2) Northerly, along said extension and the west line of Lot 14, a distance of 187.3 feet, more or less, to the northwest corner thereof; thence
- 3) Easterly, along the rear line of said Lot 14, a distance of 40.0 feet to the northeast corner thereof; thence
- 4) Southerly, along the east line of said Lot 14 and its southerly extension, a distance of 169.7 feet, more or less, to the Point or Place of Beginning.

19 Cook Street

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at a point in the centerline of Cook Street (58' ROW) at the intersection of the northerly extension of the west line of Lot 15 of the Mount Hope & South Avenue Building Lot Association Subdivision, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 62, said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline, a distance of 40.0 feet to the northerly extension of the east line of said Lot 15; thence
- 2) Southerly, along said extension and the east line of Lot 15, a distance of 149.0 feet, more or less, to the southeast corner thereof; thence
- 3) Westerly, along the south line of said Lot 15, a distance of 40.0 feet to the southwest corner thereof; thence
- 4) Northerly, along the west line of said Lot 15 and its northerly extension, a distance of 149.0 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1633
Re: Downtown Special Services Program

Transmitted herewith for your approval is legislation relating to the Downtown Special Services Program. This legislation will:

1. Approve the 2011-12 program budget;
2. Approve the assessments to be apportioned among the properties within the Downtown Special Services District; and
3. Establish \$528,200 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2011 to June 30, 2012. This agreement will be funded from assessments to participating properties and a portion of the existing fund balance.

The Downtown Special Services Program, previously referred to as the Downtown Guides Program, was initially authorized by Council on March 15, 1994 and re-authorized in 1999, 2004, and 2009 and is administered by a non-profit corporation, Downtown Special Services, Inc. The corporation is directed by an eleven-member board which includes representatives from downtown businesses, the tourist industry, and City and County government.

In addition to their regular rounds, the Safety Services team offers an on-demand evening walking service to downtown employees between the hours of 3pm and 9pm, Monday through Friday. In addition, a small Information Services team operates the Downtown Information Center and maintains a portion of the www.rochesterdowntown.com website that draws approximately 140,000 website visitors per year. The center is open weekdays from 8:30 a.m. to 5:30 p.m.

The 2011-12 budget for the program of \$528,200 was approved at a joint meeting of the board and membership held on March 29, 2011. Upon application of \$36,490 from fund balance, the total assessment for 2011-12 will be \$504,694, 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.

If 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 and comment on the levies.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Local Improvement Ordinance No. 1633
(Int. No. 116)

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 2011-12 fiscal year for the Downtown Special Services District, is established at \$504,694, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446, 1528 and 1606.

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 \$528,200, and of said amount, or so much thereof as may be necessary and an amount to cover delinquencies, \$504,694 is hereby appropriated from the assessments authorized herein and \$36,490 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, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-104
Re: Midtown Revitalization Project: Sale
Of Land to PAETEC Realty, LLC

Transmitted herewith for your approval is legislation authorizing the sale of 245 E. Main Street (Parcel 1 on the attached Subdivision Plan) to PAETEC Realty, LLC, or an entity to be formed by PAETEC Realty, LLC, for \$1 to be developed as the PAETEC corporate headquarters. This approximately 1.851 acre City-owned parcel is located at the site of the former Midtown Plaza. City Council and the Rochester Urban Renewal Agency approved the subject parcels as disposition properties in the Urban Renewal Plan amended on November 9, 2009.

A Land Disposition Agreement with PAETEC, executed on December 28, 2010, sets forth the sale price and various obligations for the City and PAETEC. Major provisions include the following:

- The site will be delivered in shovel ready condition.
- PAETEC will have unrestricted, exclusive

pedestrian access to and from their building to the underground parking garage via an underground walkway to be constructed at the City's expense.

- PAETEC will have access to the tunnel located partially on the Midtown site pursuant to a Tunnel Agreement.
- PAETEC is granted an exclusive three-year option to purchase and an additional four-year right of first refusal for Parcel 2 (see attached Base Plan) subject to certain terms and conditions.
- A parking agreement which includes a twenty-year term for a number of parking passes equal to the number of employees working at PAETEC up to a maximum of 1,200 (1,000 of which are guaranteed in the underground garage; additional spaces to be located at the Mortimer Street Garage) at an agreed-upon payment schedule.
- PAETEC will provide, rent-free, space for offices for the Rochester Police Department.

A copy of the LDA was previously distributed to City Council and is available on the *Midtown Documents and Data* page on the City Website.

PAETEC, a publicly-held corporation, is proposing the development of a new corporate headquarters building of approximately 222,426 square feet. The building would include three stories above ground, a basement, and a rooftop event center at the northwest corner of the former Midtown Plaza site.

The sources and uses of funds for the proposed PAETEC corporate headquarters are as follows:

<u>Sources</u>	
Bank loan	\$16,307,456
Section 108	16,500,000
New Markets Tax Credits	14,477,781
PAETEC equity	5,000,000
NYS Blueprint	1,200,000
CDBG	800,000
Total	\$54,285,237

<u>Uses</u>	
Site acquisition	\$ 1
Construction	37,341,390
Professional services	5,550,000
Finance costs	2,015,000
Carrying costs	628,571
Project contingency	3,500,000
Fees/permits	120,000
NMTC fees	4,330,275
General and admin.	800,000
Total	\$54,285,237

PAETEC has committed equity in the amount of \$5,000,000 to the project and is working to obtain the proposed bank loan of \$16,307,456. HUD approval of the Section 108 loan application is expected in Spring 2011, at which time City Council authorization will be requested to enter

into the loan agreement with PAETEC, or an entity to be formed by PAETEC. The New York State Empire State Development Corporation has awarded \$1.2 million in Blueprint funds to PAETEC for the project.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-42

Ordinance No. 2011-104
(Int. No. 141)

Authorizing The Sale Of Parcel 1, Rights To Parcel 2 And Additional Rights To Further The Midtown Urban Renewal Plan

WHEREAS, the City of Rochester has received a proposal from PAETEC Realty, LLC, or an entity to be formed by PAETEC Realty, LLC (hereinafter called "Redeveloper"), for the purchase and redevelopment of Parcel 1 on the Midtown Redevelopment Project Subdivision Plan, 245 East Main Street, SBL No. 121.24-1-28.2, in the Midtown Urban Renewal Project, for commercial development to further the objectives of the Midtown Urban Renewal Plan; and

WHEREAS, the City of Rochester has received a proposal from the Redeveloper or a related entity, parent or affiliate of the Redeveloper, for a three-year option to purchase Parcel 2 on the Midtown Redevelopment Project Base Plan for the sum of \$1.00, and an additional four-year right of first refusal for Parcel 2, to further the objectives of the Midtown Urban Renewal Plan; and

WHEREAS, the City desires to sell said Parcel 1 to the Redeveloper for the sum of \$1.00 in accordance with Section 507(2)(d) of the General Municipal Law of the State of New York, as amended, and grant the option and first refusal on Parcel 2, in order to support the redevelopment of the parcels, and in accordance with the following conditions:

- 1) The site will be delivered to the Redeveloper in a shovel ready condition;
- 2) Redeveloper will have unrestricted, exclusive pedestrian access to and from the headquarters building to the underground parking garage (UPG) in a designated underground walkway to be constructed at the City's expense;
- 3) Redeveloper will have non-exclusive access to the tunnel located partially on the Midtown site pursuant to a Tunnel Agreement;
- 4) Redeveloper is granted an exclusive three-year option to purchase and an additional four-year right of first refusal for Parcel 2 on the Midtown Redevelopment Project Base Plan, subject to certain terms and conditions;
- 5) Terms for a parking agreement which includes a 20-year term for a number of parking passes equal to the number of employees working at the Redeveloper up to

a maximum of 1,200 parking passes (1,000 of which are guaranteed in the UPG and any additional spaces to be located at the Mortimer Street Garage) at an agreed-upon payment schedule beginning with a base rate of \$30 per space, to be discounted by one-third during the first three-year construction period, which base rate shall increase by 2% annually, and which passes shall be limited to average use of less than 10 hours per day, 5 days per week, and 50 hours per week and shall require regular payment for overtime usage; and 6) Redeveloper will provide, rent-free, space for offices for the Rochester Police Department; and

WHEREAS, the sale will also result in the redevelopment of the blighted Center City Midtown site, and provide tax revenue and job creation; and

WHEREAS, the Redeveloper has been found to be a qualified and eligible sponsor to carry on the redevelopment by the Rochester Urban Renewal Agency.

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

Section 1. The Council hereby approves the sale of Parcel 1 on the Midtown Redevelopment Project Subdivision Plan, 245 East Main Street, SBL #121.24-1-28.2, to the Redeveloper, or an entity to be formed by the Redeveloper for the sum of \$1.00, to further the objectives of the Midtown Urban Renewal Plan. The Council further approves the pedestrian access and tunnel rights, necessary easements, and the parking agreement.

Section 2. The Council hereby approves the granting of an option to purchase Parcel 2 on the Midtown Redevelopment Project Base Plan to the Redeveloper or, if found to be a qualified and eligible sponsor to carry on the redevelopment by the Rochester Urban Renewal Agency, a related entity, parent or affiliate of the Redeveloper for the sum of \$1.00, to further the objectives of the Midtown Urban Renewal Plan. Such option to Purchase shall be for a term commencing the date of full execution of the land disposition agreement between the City and the Redeveloper for the transfer of Parcel 1 and terminating on the date which is the third anniversary from that full execution date.

Section 3. The Council hereby approves the granting of a right of first refusal for Parcel 2 on the Midtown Redevelopment Project Base Plan to the Redeveloper or, if found to be a qualified and eligible sponsor to carry on the redevelopment by the Rochester Urban Renewal Agency, a related entity, parent or affiliate of the Redeveloper for the sum of \$1.00, to further the objectives of the Midtown Urban Renewal Plan. Such right of first refusal shall be for a term commencing on the date of the third anniversary of the full execution of the land disposition agreement between the City and the Redeveloper for the transfer of Parcel 1 and terminating on the date of the seventh

anniversary of that full execution date. The right of first refusal shall require the purchaser to either (a.) at least match: (i.) the purchase price being offered by a third party for Parcel 2; (ii.) the real estate tax obligations or benefits; (iii.) the total investment required by the proposed project; and (iv.) the completion date for the proposed project consistent with Midtown Urban Renewal Plan, and any applicable regulations or requirements; or (b.) within ninety (90) days from the date of the written notice of an offer by a third party to purchase Parcel 2: (i.) pay for Parcel 2 the then appraised value (as determined by a qualified licensed appraiser to be completed within thirty (30) days from the date of the written notice); (ii) commence to construct a project consistent with the Midtown Urban Renewal Plan and any applicable regulations or requirements within one (1) year from the date of the written notice; and (iii) stipulate it will pay real estate taxes in accordance with the full assessment while it owns Parcel 2.

Section 4. The Mayor is hereby authorized to enter into such agreements and to execute such other instruments as may be necessary to implement the terms set forth above. The agreements and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
April 26, 2011

To the Council:

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

Int. No. 117 - Authorizing Agreements For Materials Testing Services

Int. No. 118 - Establishing Maximum Compensation For A Professional Services Agreement For GIS Services

Int. No. 119 - Establishing Maximum Compensation For A Lease And Service Agreement For Granular Activated Carbon Filter Media, As Amended

Int. No. 120 - Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

Int. No. 121 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Public Market Solar Panel Installation

Int. No. 122 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For The Riverside Cemetery Chapel Of Peace Project

Int. No. 123 - Establishing Maximum Compensation For A Professional Services Agreement For Water Testing Services

Int. No. 124 - Establishing Maximum Compensation For A Professional Services Agreement For Water Quality Testing Services

Int. No. 125 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 142 - Establishing Maximum Compensation For A Professional Services Agreement For The Emerson-Locust Connector Street And Amending Ordinance No. 2011-65, As Amended

Int. No. 143 - Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Lighting Installation

Int. No. 144 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements

Int. No. 145 - Authorizing A Water Exchange Agreement With The Monroe County Water Authority

Int. No. 15 - Approving A Change In The Traffic Flow Of Kirley Alley From Two-Way To One-Way Eastbound

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

Int. No. 126 - Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2011

Int. No. 127 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 128 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 129 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 130 - Amending The Official Map By Abandonment Of A Portion Of Grove Place

Respectfully submitted,
Dana K. Miller
Matt Haag (*Abstained on Int. No. 130; voted against Int. No. 143*)
Loretta C. Scott (*Voted against Int. No. 126*)
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-105
Re: Agreements - Materials Testing

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the testing and analysis of various construction materials:

<u>Company</u>	<u>Address</u>
Asbestos & Environmental Consulting	189 N. Water Street
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1 S. Washington Street
CME Associates	385 Sherman Street
Flower City Monitor	100 Boxart Street
Foundation Design, P.C.	335 Colfax Street
LaBella Associates, P.C.	300 State Street
Lozier Analytical Group	2011 E. 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 include 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, bridge, and building renovation projects.

The previous agreements for testing services were authorized by Council in April 2009. 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 on the City's website; eleven firms responded. All responding firms were 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.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-105
(Int. No. 117)

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	189 N. Water Street
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1 S. Washington Street
CME Associates	385 Sherman Street
Flower City Monitor	100 Boxart Street
Foundation Design, P.C.	335 Colfax Street
LaBella Associates, P.C.	300 State Street
Lozier Analytical Group	2011 E. 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. 2011-106
Re: Agreement - Bergmann Associates, P.C.,
GIS Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum for an agreement with Bergmann Associates, P.C., Rochester, for the provision of various geographic information system (GIS) services related to the City's street lighting program. The cost of the agreement will be funded from the 2007-08 (\$4,750) and 2008-09 (\$45,250) Cash Capital allocation of the Department of Environmental Services.

In April 2009, City Council authorized the acquisition of the remainder of the City's street lighting system from the Rochester Gas & Electric Corporation (Ordinance No. 2009-95). The transfer was completed in November 2010 and the City has begun to update its existing lighting asset inventory for a full, integrated system. Services for design and integration of system data in GIS is recommended, with proposed services to include:

- Design of a geographic database based on utility industry standards;
- Conversion of current data (Microsoft Access);
- Mapping underground utilities not currently captured electronically; and
- Technical support, quality control and training.

The Department of Environmental Services solicited proposals from Bergmann Associates and MRB Group (Rochester 14623) based on their demonstrated experience with GIS services. Bergmann is recommended for these services based on the variety and availability of services provided, their Environmental Systems Research Institute (ESRI) status, cost for services, and past experience.

The agreement will provide for GIS design, consultation and training services at specified unit prices. The Bureau of Architecture and Engineering will engage Bergmann for specific projects and training throughout the year. The agreement will be for a period of two years.

Respectfully submitted,
R. Carlos Carballeda
Acting Mayor

Ordinance No. 2011-106
(Int. No. 118)

Establishing Maximum Compensation For A Professional Services Agreement For GIS Services

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

Section 1. The sum of \$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 Bergmann Associates, P.C. for necessary geographic information system (GIS) services relating to the City's street lighting program for a period of two years. Of said amount, \$4,750 shall be funded from the 2007-08 Cash Capital allocation and \$45,250 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. 2011-107
Re: Agreement - Calgon Carbon Corporation,
Hemlock Lake Filtration Plant

Transmitted herewith for your approval is legislation re-authorizing a lease and service agreement with Calgon Carbon Corporation, Pittsburgh PA, related to the use of granular activated carbon (GAC) filter media at the Hemlock Lake Filtration Plant. The \$52,000 cost has been included in the proposed 2011-12 Budget of the Department of Environmental Services (Water Fund). The term of the agreement will be for one year.

The original lease agreement for GAC was approved by City Council in June 2005. It was re-authorized in April 2008 (Ordinance No. 2008-177) when new GAC media was installed in five of the plant's eight filters.

GAC filter media was installed in 2005 for the absorption of off-flavor (taste and odor) compounds that developed in the Hemlock Lake water source after the arrival of zebra mussels. However, the taste and odor problem has significantly diminished since 2005 and, unless conditions change, GAC will be removed within the next year and replaced with anthracite filter media. Anthracite was originally used in the plant before GAC. The transition to anthracite will lower operating costs by roughly \$170,000 per year.

Respectfully submitted,
R. Carlos Carballeda
Acting Mayor

Ordinance No. 2011-107
(Int. No. 119, As Amended)

Establishing Maximum Compensation For A Lease And Service Agreement For Granular Activated Carbon Filter Media

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

Section 1. The sum of \$[52,000] 55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a

lease and service agreement with Calgon Carbon Corporation for the use of granular activated carbon filter media at the Hemlock Lake Water Filtration Plant for a term of one year. Said amount shall be funded from the 2011-12 Budget of the Department of Environmental Services (Water Fund), contingent upon approval of said Budget.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-108
Re: Agreement - RGRTA, Emergency Fueling

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester-Genesee Regional Transportation Authority (RGRTA) for fueling of non-emergency vehicles at the City Operations Center at 945 Mt. Read Boulevard. The term of the agreement will be one year, with the option of renewing for an additional one-year term.

This agreement will allow RGRTA to fuel their vehicles at the City facility only in the event that the fuel pumps at RGRTA become inoperable. The vehicles that would potentially require this service include a total of 32: nineteen automobiles, four vans, and nine trucks which average 2,000 gallons of unleaded fuel per month.

RGRTA will reimburse the City for the cost of fuel and pay a service charge of \$.15 per gallon. Fixed costs include administrative fees of \$125 per month and a one-time contract administration fee of \$325.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-108
(Int. No. 120)

Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for the emergency fueling of RGRTA vehicles at the City Operations Center at 945 Mt. Read Boulevard. The agreement may extend for a term of one year, with a one-year renewal. The agreement shall obligate RGRTA to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon, and

to pay a monthly administrative fee of \$125 and a contract administration fee of \$325.

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. 2011-109
Re: Amendatory Agreement - Stantec Consulting Services, Inc., Solar Panel Installation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc. for additional engineering design and construction administration services for installation of solar panels. The original agreement, authorized in June 2010 (Ord. No. 2010-222) established \$50,000 as maximum compensation for design services for a solar panel installation at Arnett Branch Library. This amendment will increase maximum compensation by \$28,000 to a total of \$78,000, so that design can be done for a solar panel installation at Shed C at the Public Market. The additional cost will be funded from the Energy Efficiency and Conservation Block Grant (EECBG) appropriated in March 2010 (Ordinance No. 2010-84).

Stantec was retained through a competitive proposal process for design of the Arnett Branch Library solar installation project funded by a grant from the New York State Research and Development Authority (NYSERDA). As part of the original design scope of services, Stantec evaluated and recommended potential City facilities for a smaller (10-20 kW) system.

Installation of a solar panel at a City-owned building is a component of the City's EECBG program strategy. Due to the relatively short timeline for obligation of EECBG funds and the consultant's performance of similar services to date, Stantec is recommended to continue with design and construction administration services for a solar panel installation at the Public Market.

Design will begin in May 2011, with construction in spring 2012.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-109
(Int. No. 121)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Public Market Solar Panel Installation

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 compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design and construction administration services for the Public Market (Shed C) Solar Panel Installation 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 Energy Efficiency and Conservation Block Grant Funds appropriated in Ordinance No. 2010-84.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-110
Re: Amendatory Agreements - Chapel of Peace at Riverside Cemetery

Transmitted herewith for your approval is legislation authorizing the following amendatory agreements for the Chapel of Peace at Riverside Cemetery project:

1. SWBR Architects, Rochester, for additional construction administration services. The original agreement, authorized in February 2009 (Ordinance No. 2009-42), provided maximum compensation of \$425,000; this amendment will increase compensation by \$25,000 for a total of \$450,000; and
2. The Pike Company, Rochester, for additional construction management services. The original agreement, authorized in December 2009 (Ordinance No. 2009-426), provided maximum compensation of \$250,000; this amendment will increase compensation by \$85,000 for a total of \$335,000.

Construction on the Riverside Cemetery Chapel of Peace, a new 13,800 square foot community mausoleum and chapel that will provide the City an additional 25 years of above-ground burial options for residents, began in May 2010.

This project is funded through transfers from the Cemetery Fund to the 2009-10 Cash Capital allocation of the Department of Environmental Services. The additional costs will be covered by the project contingency allocation, with the expectation that they will be recovered from deductions from the contractor's contract, for reasons described below.

Current delays in the construction schedule are due in large part to delayed submission of required documents, as well as insufficient project management and sub-contractor coordination

attributable to Patrick Development, Inc., the general contractor. Consequently, SWBR and Pike required additional, unanticipated time to review multiple submissions and subsequent rejections of documents, attend additional schedule recovery meetings, and provide extended construction administration duties.

The costs incurred by the design and construction management consultant firms are in direct relation to these delays. Liquidated damages for the passing of construction schedule milestones and substantial completion of the project are in the process of being assessed; it is the City's intent to fund the additional consultant costs through the deducted contract value.

It is anticipated that construction will be completed in May 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-110
(Int. No. 122)

Establishing Maximum Compensation For Amendatory Professional Services Agreements 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 \$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 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 2009-10 Cash Capital allocation.

Section 2. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Pike Company for construction management services for 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 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-111
Re: Agreement - Underwriters Laboratories,
Water Testing

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for a three-year agreement with Underwriters Laboratories of South Bend, Indiana, for laboratory testing of drinking water. The annual cost of \$8,000 will be financed from the 2010-11 and subsequent operating budgets of the Department of Environmental Services (Water Fund).

The existing agreement for water testing authorized in January 2009 (Ordinance No. 2009-16) is with Life Science Laboratories, which has not met the City's performance standards. As a result, their agreement will be terminated in April.

Proposals were solicited from four laboratories, with Underwriters Laboratories as the sole responding firm. Underwriters Laboratories has previous experience with the City and is a nationally recognized leader in drinking water testing.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-111
(Int. No. 123)

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 \$24,000, 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 Underwriters Laboratories for laboratory testing of drinking water for three years. Said amount shall be funded from the 2010-11 and subsequent Budgets of the Department of Environmental Services (Water Fund), contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-112
Re: Agreement - Analytical Services, Inc.,
Water Monitoring Services

Transmitted herewith for your approval is legislation establishing \$6,000 as maximum compensation for a three-year agreement with Analytical Services, Inc. (ASI), Williston VT, for water quality testing services. The annual cost of \$2,000 will be funded from the 2010-11 and subsequent annual budgets of the Department of

Environmental Services (Water Bureau).

The consultant will provide quarterly testing of source water samples for the waterborne pathogens *Cryptosporidium* and *Giardia* with an annual matrix spike test, including all necessary sampling apparatus for the collection and shipping of microbial samples. ASI and the City will share shipping costs.

Giardia and *Cryptosporidium* are water borne pathogens that can be found in drinking water. The testing for *Giardia* and *Cryptosporidium* is done using methods approved by the US Environmental Protection Agency.

Qualifications were solicited from six firms. Five responses were received: Mohawk Valley Water Authority, Tetra-Tech-Clancy Environmental (Saint Albans, VT), Erie County Water Authority, Environmental Epidemiology Lab (Boston, MA), and Analytical Services, Inc. Testing and shipping costs were compared and ASI was selected based on their qualifications, expertise, and previous six years of experience with the City.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-112
(Int. No. 124)

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

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

Section 1. The sum of \$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 Analytical Services, Inc. for water quality testing services for three years. Said amount shall be funded from the 2010-11 and subsequent Budgets of the Department of Environmental Services (Water Fund), contingent upon the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-113
Re: Wholesale Water Rate Increase

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for Water Districts 1 and 2 in the Town of Lima (including the Village of Lima), the Towns of Richmond and West Bloomfield.

The present wholesale rate was established in May 2009, \$1.43 per 1,000 gallons. This amendment will increase the rate by 1.64% based on the Consumer Price Index (CPI) for the calendar year 2010. This equals a \$0.02 increase for a proposed rate of \$1.45 per 1,000. The estimated additional revenue is \$4,100.

These wholesale water customers consumed about 175,800,000 gallons last year. Usage in the Town of Lima Water Districts 1 and 2 (including the Village) comprise about 44% of the total, with West Bloomfield comprising about 19% and Richmond about 37%.

The cost increase is related primarily to maintaining an aging system.

Future rate adjustments to the wholesale rate will be based upon changes in the Consumer Price Index. Rate changes are expected to be proposed on an annual basis for Lima and Richmond, and every two years for West Bloomfield. The proposed rate increase will go into effect on July 1, 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-113
(Int. No. 125)

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: \$1.45 per 1,000 gallons for the Town of West Bloomfield and \$1.45 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, 2011.

Passed unanimously.

Councilmember Miller moved to amend Int. No.142.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-114
Re: Agreement - Stantec Consulting Services, Inc., Emerson-Locust Connector Street

Transmitted herewith for your approval is legislation establishing \$42,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc. for engineering planning and design services for a new street to be constructed between Emerson Street and Locust Street. The cost of the agreement will be financed from bonds previously issued for this project (Ordinance No. 2009-157).

The project will include construction of a new street including drainage, curb, signage, sidewalk, streetscape, lighting, landscaping, water main and other improvements. Originally, the design of this project was to be completed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. However, the City had earlier applied for, and in December 2010 was notified of, a Water Quality Improvement Program award from the New York State Department of Environmental Conservation (authorized through Ordinance No. 2011-37) that will cover the cost of incorporating green infrastructure features.

The green infrastructure features include porous pavement, a bioswale, and a rain garden, all of which help reduce polluted runoff from entering the water system. Architecture and Engineering staff are not available to design these features as a result of continued staffing reductions in recent years. The consultant will provide engineering planning and design of the project based upon conceptual plans prepared by City staff.

Qualifications were solicited from four firms: Barton & Loguidice, P.C., Marathon Engineering, Stantec Consulting Services, Inc., and T.Y. Lin International. Based on their qualifications and approach to the project, Stantec was selected.

Design will begin in Spring 2011; it is anticipated that construction will begin in summer 2012 with scheduled completion in the Fall.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-43

Ordinance No. 2011-114
(Int. No. 142, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Emerson-Locust Connector Street And Amending Ordinances No. 2011-65, 2011-64 And 2011-83

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

Section 1. The sum of \$42,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering planning and design services for the Emerson-Locust Connector Street Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 2009-157.

Section 2. Ordinance No. 2011-65, relating to an agreement for the Oakwood Road Reconstruction Project, is hereby amended by changing the source of the \$110,000 in funding to \$88,000 from Bond Ordinance No. 2011-66 and \$22,000 from Bond Ordinance No. 2011-67.

Section 3. Ordinance No. 2011-64, relating to agreements and appropriations for the Midtown Redevelopment Project, is hereby amended by deleting Section 3 thereof.

Section 4. Ordinance No. 2011-83, relating to an agreement for the University Avenue and ARTWalk Extension Improvement Project, is hereby amended by amending the second sentence of Section 1 thereof to read in its entirety as follows:

The agreement may extend until [three (3) months after completion of a two year guarantee inspection of] six months after final payment on the construction contract awarded for the Project.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2011-115
Re: Agreement - Stantec Consulting Services, Inc., Rundel Library Lighting Installation

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., for engineering design and construction administration services for a lighting installation at the Rundel Building of the Rochester Public Library. The cost of the agreement will be funded from the 2007-08 Cash Capital allocation of the Department of Neighborhood and Business Development.

The Department of Environmental Services, Bureau of Architecture and Engineering, will oversee the installation of 24 high-intensity, energy-efficient LED lights that allow for remote color and light level changes at the Rundel Building. The lights will be installed along the river

and Broad Street exterior façades of the building. The cost of installation is estimated at \$75,000 and will be funded from the 2007-08 Cash Capital allocation of the Department of Neighborhood and Business Development. Annual operating costs are estimated at \$400 and will be covered by private donations to the Library.

Stantec previously evaluated and provided design specifications for energy efficient accent lighting as part of the South Avenue Garage project; based on prior work completed, budget, and availability of staff for a short installation timeframe, it is recommended that Stantec provide design and construction administration services for this project.

Design will begin in May with installation scheduled in August 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-115
(Int. No. 143)

Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Lighting Installation

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design and construction administration services for the Rundel Library Lighting Installation Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed by the following votes:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - Councilmember Haag - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-116
Re: Amendatory Agreement - LaBella Associates, Resident Project Representation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates for continued resident project representation services for park and recreation

center improvements. The original agreement authorized in August 2006 was for \$60,000 and has been amended annually to cover each year's anticipated needs. Past allocations are as follows:

2007	\$50,000
2008	\$60,000
2009	\$45,000
2010	\$30,000

The request for 2011-12 is \$40,000, which will bring total maximum compensation to \$285,000 for these services. The additional cost will be financed from the 2011-12 Cash Capital allocation of the Department of Recreation and Youth Services.

The additional funds will be used for resident project representation services for 2011-12 construction projects, which include, but are not limited to:

1. Orchard Saxton.
2. Jefferson Terrace (near #4 School on Jefferson Avenue).
3. Charlotte Village Green (near Spanish Gardens on Latta Road).

A request for proposals will be issued for these services prior to authorization for 2012-13.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-116
(Int. No. 144)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and 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 the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-117
Re: Authorizing an Agreement with the

Monroe County Water Authority

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Water Authority (MCWA) for the exchange of drinking water. The current agreement with MCWA was authorized in April 1978 for a term of 30 years, and has been extended annually since 2008, and most recently in December 2010. A term of 25 years is proposed for the new agreement.

As you know, negotiations with MCWA have been ongoing since 2007, in anticipation of the termination of the current agreement. After a thorough examination of the City's water system and MCWA's system, it was mutually agreed that a water exchange agreement between the two water systems is the best course of action at this time.

The new agreement will establish an exchange rate per 1,000 gallons to be adjusted annually based on a weighted average for the typical residential customer. The weighting will take into consideration the total number of customers in the residential class at the time of the adjustment. For example, if such an adjustment had been made on January 1, 2011, the increase would result in a \$0.01 increase.

Also included in the new agreement are provisions to address the following issues:

- Shared Capital Costs:
 - MCWA will reimburse the City for 54% of the cost of bringing Rush Reservoir into compliance with the Environmental Protection Agency's guidelines
 - The City will reimburse MCWA for 65% of the cost for replacement of valves on MCWA transmission line from the Shoremont Water Filtration Plant to Mt. Read Boulevard
- Maximum quantities of water each system can withdraw from the other
- Minimum and maximum flow rates
- Metering interconnections
- Guidelines regarding emergencies and droughts

This agreement establishes advantageous use of water assets for the greater Rochester region, enabling the City and MCWA to focus on providing high quality water that allows for regional growth, ensures adherence to regulatory requirements and institutes system redundancies.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-117
(Int. No. 145)

Authorizing A Water Exchange 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 agreement with the Monroe County Water Authority ("MCWA") for the exchange of drinking water at an initial rate of \$0.37 per 1,000 gallons, which rate may be adjusted annually on January 1 based on a weighted average for a typical residential customer. The MCWA shall reimburse the City for 54% of the cost of bringing Rush Reservoir into compliance with Environmental Protection Agency guidelines. The City shall reimburse the MCWA for 65% of the cost of replacement of valves on the MCWA transmission line from Shoremont to Mt. Read Boulevard. The agreement shall establish minimum and maximum flow rates and place limits on the amount of water each system can withdraw from the other. The agreement shall further provide for metering interconnections and establish guidelines for emergencies and droughts. The agreement shall extend for a term of 25 years.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 15 was introduced January 25, 2011 and appears in its original form with its transmittal letter on page 22 of the current Council Proceedings

Attachment No. AK-44

Ordinance No. 2011-118
(Int. No. 15)

Approving A Change In The Traffic Flow Of Kirley Alley From Two-Way To One-Way Eastbound

Passed unanimously.

Councilmember Miller moved to amend Int. No. 126.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1634
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legisla-

tion authorizing the care and embellishment of street malls during 2011-12 and appropriating the associated costs of \$30,608 among the benefitted properties.

Historically, the care and embellishment program provided for the maintenance of 24 street malls by either the Department of Recreation and Youth Services or street and neighborhood associations. The Department of Environmental Services assumed maintenance responsibility in 2009. Twelve malls were maintained by the department (formerly Group I) and 12 malls were maintained by street and neighborhood associations (formerly Group II). The apportioned costs among the benefitted properties for malls maintained by the department were on the basis of prorated personnel and equipment costs. The level of care for the remaining malls was determined by the neighborhood association, subject to approval of the adjacent property owners to pay any additional costs, and submitted budgets to the City annually.

Evaluation of mowing services during 2010 established that costs for contractual services for the malls are negligible and consistent with levels of service citywide. The 12 malls that received departmental mowing services will now receive those services without the need for any embellishment charge, thereby abolishing Group I. The 12 malls that obtained mowing services independently were extended the free mowing offer from the City. Nine of these associations accepted the service and reduced their overall budgets for remaining maintenance accordingly. Two associations declined the mowing offer and their budgets continue to reflect a cost for independent mowing services. One of the associations has opted not to participate in the program during 2011-12.

The former Group I category will be abolished; the remaining malls and associated budgets are:

Arnold Park	\$ 719
Hazelwood Terrace	882
Highland Parkway	770
Hillside Avenue	1,000
Huntington Park	2,800
Lafayette Park	1,761
Lakeview Park	9,000
Nunda Boulevard	2,965
Oxford Street	7,434
Rundel Park	800
Sibley Place	<u>2,477</u>
Total	\$30,608

Charges are apportioned among the benefitted properties and will be included on the annual tax bill, payable in July. The department advances the necessary funds to the street associations. All maintenance will continue to be monitored by the department.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballeda
Acting Mayor

Local Improvement Ordinance No. 1634
(Int. No. 126, As Amended)

Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2011

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

Section 1. It is hereby determined that for 2011 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, in the following amounts:

Arnold Park	\$ 719
Hazelwood Terrace	882
[Highland Parkway	770]
Hillside Avenue	1,000
Huntington Park	2,800
Lafayette Park	1,761
[Lakeview Park	9,000]
Nunda Boulevard	2,965
Oxford Street	7,434
Rundel Park	800
Sibley Place	2,477
Total	<u>\$[30,608] 20,838</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, 2011.

Section 4. The total cost of such improvements and work, estimated at \$[30,608] 20,838, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1635
Re: Downtown Enhancement District 2011-12 Budget

Transmitted herewith for your approval is legislation approving the 2011-12 Budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District. The District, established in 1989, and reauthorized regularly since then, provides an enhanced level of care and maintenance in the downtown area.

The District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. An advisory committee, consisting of eleven representatives of property owners or tenants, oversees the administration of the program by City staff.

The annual costs are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI) - unless otherwise approved by the advisory committee. The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. In addition, costs to properties directly on Main Street are weighted at twice the factors of other properties.

The maximum permissible budget for 2011-12 based upon CPI (82%) is \$731,600. The recommended budget is \$562,200, an increase of \$4,700, due primarily to an increase in wages and materials.

<u>Category of Expense</u>	<u>2010-11</u>	<u>2011-12</u>	<u>Variance</u>
Salaries and wages	\$394,700	\$414,400	\$19,700
Employee benefits	<u>149,000</u>	<u>148,800</u>	<u>- 200</u>
Personnel services	543,700	563,200	19,500
Materials and supplies	64,900	66,600	1,700
Contractual services	<u>56,300</u>	<u>57,400</u>	<u>1,100</u>
Operational expenses	664,900	687,200	22,300
Contingency for wage increase	17,600	0	-17,600
Less Operating revenues	<u>-55,000</u>	<u>-55,000</u>	<u>0</u>
Required assessments	627,500	632,200	4,700
Use of fund balance	<u>-70,000</u>	<u>- 70,000</u>	<u>0</u>
Total Budget	\$557,500	\$562,200	\$ 4,700

The Enhancement District Committee approved

the proposed budget by a vote of 7-0 on January 20, 2011.

A public hearing on the assessment is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Local Improvement Ordinance No. 1635
(Int. No. 127)

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 2011-12 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 \$562,200, except that Zone 2 shall continue to include those properties which have been within the District as a result of their previously having enclosed walkway access to Main Street. Said amount, and the sum of \$70,000 from the fund balance and \$55,000 from operating revenues, or so much thereof as may be necessary, are hereby appropriated to fund the Downtown Enhancement District for the fiscal year.

Section 2. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1636 and
Local Improvement Ordinance No. 1637
Re: Local Improvement Ordinance Special
Assessment Districts

Transmitted herewith for your approval is legislation establishing the 2011-12 budgets for 12 special assessment districts, ten of which provide for street lighting enhancements, and two for streetscape enhancements. The districts are as follows:

LIO	District		Type
	2011-12	2010-11	
1547	Wilson Boulevard		Street lighting
	\$589.79	\$507.37	\$82.42
1502	Lyell Avenue I		Street lighting
	\$2,445.72	\$2,404.83	\$40.89
1503	Lyell Avenue II		Street lighting
	\$2,706.44	\$2,628.58	\$77.86
1413	Monroe I		Street lighting
	\$1,497.98	\$1,316.31	\$181.67
1412	Monroe II		Street lighting
	\$652.95	\$573.79	\$79.16

1429	Cascade Historic		Street lighting
	\$1,580.15	\$1,525.22	\$54.93
1430	Cascade Historic		Streetscape
	\$6,500.00	\$5,000.00	\$1,500.00
1421	Norton Street URD		Streetscape
	\$2,815.00	\$2,815.00	0
1422	Norton Street URD		Street lighting
	\$1,421.79	\$1,282.10	\$139.69
1472	Lake Avenue		Street lighting
	\$4,223.44	\$3,738.98	\$484.46
1552	St. Paul Street		Street lighting
	\$551.70	\$480.09	\$71.61
1627	East Main Street		Street lighting
	\$319.24	N/A	N/A

The Wilson Boulevard district (1995, LIO No. 1374; 2005, LIO No. 1547) included the installation of six lighting fixtures. The capital cost of the enhancement was financed by the University of Rochester.

The Lyell Avenue I district (1992, LIO No. 1340; 2002, LIO No. 1502) includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, Verona Street and Amber Place. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street. It also involved the replacement of 100/150-watt with 250-watt fixtures on four poles at the aforementioned intersections. The capital cost of the enhancement was financed with Community Development Block Grant (CDBG) funds.

The Lyell Avenue II district (1998, LIO No. 1377; 2002, LIO No. 1503) includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections. The capital cost of the enhancement was financed with CDBG funds.

The Monroe Avenue I district (1998, LIO No. 1413) includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490. The Monroe Avenue II district (1998, LIO No. 1412) includes 68 properties from Inner Loop to Culver Road. The districts provide for 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 were financed with City funds.

The Cascade Historic districts were established in 1999 and include 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. LIO No. 1429, which provides for the lighting enhancements, is based on the differential between maintenance and operation of a standard davit system and the post top ornamental system. LIO No. 1430, which provides for the streetscape enhancements, included a berm on the north side of Cascade Drive and decorative tree grates and planters. In

2001, special benches and a clock were also installed within the district. The cost of the enhancements was financed with federal funds.

The Norton Street Urban Renewal special assessment districts were established in 1998 and include 9 properties along Excel Drive, from Norton and Bastian. The Street lighting assessment district, LIO No. 1422, provides for pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, and the annual energy and maintenance costs for the light fixtures. The streetscape assessment district (LIO No. 1421, extended by LIO No. 1619 in April 2010) provides for the maintenance of special sidewalk pavements, signage and landscaping. The capital cost of the enhancements was financed with City funds.

The Lake Avenue district (2000, LIO No. 1472) includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles. The capital cost of the enhancements was financed with State funds.

The St. Paul Street district (2005, LIO No. 1552) includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consist of eleven pedestrian level arms and 100-watt lights mounted on the roadway poles. The first year of the assessment included the entire capital for the installation of the enhanced facilities in addition to the energy and maintenance of the lights.

The East Main Street District, established in November 2010 (LIO No. 1627), includes 52 properties along the portion of East Main Street between Hall Street and Jersey Street. Enhancements consist of five decorative poles and 100-watt fixtures. The district provides for the energy and maintenance of the lights; the capital cost of the enhancements was financed by a grant from the NYS Division of Housing and Community Renewal (Ordinance No. 2010-402).

A public hearing on the assessments is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Local Improvement Ordinance No. 1636
(Int. No. 128)

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 2011-12:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 589.79	1547
Lyell Avenue I	2,445.72	1502
Lyell Avenue II	2,706.44	1503
Monroe Avenue I	1,497.98	1413
Monroe Avenue II	652.95	1412
Cascade Historic	1,580.15	1429
Norton Street Urban Renewal	1,421.79	1601
Lake Avenue	4,223.44	1472
St. Paul Street	551.70	1552
East Main Street	319.24	1627

Section 2. This ordinance shall take effect on July 1, 2011.

Passed by the following vote:

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

Nays - Councilmembers McFadden, Ortiz - 2.

Local Improvement Ordinance No. 1637
(Int. No. 129)

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 2011-12:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$6,500	1430
Norton Street Urban Renewal	2,815	1619

Section 2. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-119
Re: Official Map Amendment -
Abandonment, Grove Place

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of a 1,595 square foot portion of Grove Place. The abandonment was referred to the necessary agencies for comment.

The University of Rochester owns property adja-

cent to the proposed abandonment, which is utilized for parking, loading access, and refuse removal by the University and adjacent property owner, the YMCA of Greater Rochester & Monroe County. The University will install a gate on the abandoned area, separating the site from the remaining portion of Grove Place to be retained by the City.

The City Planning Commission, in its January 10, 2011, meeting recommended approval of this abandonment by a vote of 4-0-1 (abstention). Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Attachment No. AK-45

Ordinance No. 2011-119
(Int. No. 130)

Amending The Official Map By Abandonment Of A Portion Of Grove Place

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 Grove Place:

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

Beginning at a point in the south right-of-way line of Grove Place, said point being westerly a distance of 62.33 feet from the intersection formed with the aforesaid right-of-way line and the west right-of-way line of Windsor Street.

Thence, 1 - Westerly along south right-of-way line of Grove Place a distance of 40.89 feet to a point,

Thence, 2 - Northerly forming an angle of 90° 00' 00" in the northeast quadrant a distance of 39.00 feet to a point in the north right-of-way line of Grove Place,

Thence, 3 - Easterly along the north right-of-way line of Grove Place forming an angle of 90° 00' 00" in the southeast quadrant

a distance of 40.89 feet to a point,

Thence, 4 - Southerly forming an angle of 90° 00' 00" in the southwest quadrant a distance of 40.89 feet to the point and place of beginning.

Course 4 forms a closing angle of 90° 00' 00" with Course 1.

Intending to describe the westerly 40.89 feet of Grove Place, which contains 1,595 sq. ft. to be abandoned, City of Rochester.

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 January 10, 2011.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - None - 0.

Councilmember Haag abstained.

By Councilmember McFadden
April 26, 2011

To the Council:

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

Int. No. 131 - Authorizing An Agreement For A Firefighters Grant

Int. No. 132 - Authorizing An Agreement With The Town Of Brighton For Continuation Of Mutual Fire Assistance To West Brighton

Int. No. 133 - Authorizing An Agreement With The County Of Monroe For The Companion Animal Sheltering Equipment (CASE) Project

Int. No. 134 - Authorizing An Agreement With The County Of Monroe For Funding For Firearms Instruction And Approving An Agreement, As Amended

Int. No. 135 - Authorizing An Agreement With The City School District For The Joint Use And Maintenance Of Facilities

Int. No. 150 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Telephone Notification Services

Respectfully submitted,
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-120
Re: Assistance to Firefighters Grant 2010

Transmitted herewith for your approval is legislation authorizing an agreement with the Federal Emergency Management Agency for the receipt and use of a \$252,020 grant under the Department of Homeland Security Assistance to Firefighters Grant (AFG) Program. These funds, and the required 20% match of \$63,005, will be included in the proposed 2011-12 Budget.

The AFG program provides funding to Fire Departments for increased effectiveness of operations, new apparatus, health and safety programs, emergency medical service programs, and fire prevention and safety programs. Through this grant, the Rochester Fire Department will be used for the following purposes:

- Self Rescue Bail Out Rope Systems - \$170,775
- Training - \$74,250
- Fire House Generators - \$70,000

The New York State Department of Labor regulations require the RFD to equip firefighters with self rescue rope systems and to provide training in use of the equipment. The rope systems are used by firefighters to escape from burning structures when they are trapped above the ground floor.

The grant will also be used to cover some of the cost of the purchase and installation of two back-up generators. Six of 15 fire houses have had generators installed within the past 10 years. Back-up generators provide emergency power in the event of a loss of normal utility provided power.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-120
(Int. No. 131)

Authorizing An Agreement For A Firefighters 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 Federal Emergency Management Agency for funding under the 2010 Assistance to Firefighters Grant Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-121
Re: Agreement with West Brighton - Fire Service Mutual Assistance

Transmitted herewith for your approval is legislation authorizing an agreement between the Town of Brighton and the Rochester Fire Department (RFD) for the provision of limited mutual assistance to the West Brighton Fire Protection District. The Town of Brighton will pay a fee of \$125,000 for this one-year agreement.

Since 2002 (Ordinance No. 2002-306), the RFD has provided six firefighters and apparatus for all calls classified as possible structure fire assignments, and at least four firefighters and apparatus for all automatic fire alarms at 15 specified addresses on East River Road, East Henrietta Road, and Corporate Woods in the Town of Brighton

Information gathered from the Emergency Communications Department indicates that the RFD could expect to be dispatched to approximately 90 of these types of calls per year. The RFD will respond to the types of calls described listed above when requested through the Monroe County Mutual Aid Plan.

The proposed agreement will have a term of one year with a fee of \$125,000. An agreement for these services was first authorized in 2002.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-121
(Int. No. 132)

Authorizing An Agreement With The Town Of Brighton For Continuation Of Mutual Fire Assistance To West Brighton

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the Rochester Fire Department will continue to provide mutual assistance to the West Brighton Fire Protection District on structural fire calls and automatic alarms from specified addresses through 2011.

Section 2. The agreement shall obligate the Town of Brighton to pay to the City the sum of \$125,000.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-122
Re: Agreement - Monroe County/Companion
Animal Sheltering Equipment Project

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the City's participation in the Companion Animal Sheltering Equipment (CASE) project. Through this program, Monroe County is eligible to receive federal FY2010 State Homeland Security Program funding made available by the New York State Department of Homeland Security (DHS), to develop mobile regional equipment caches to provide temporary emergency sheltering for pets and companion animals during emergencies and disasters.

Federal law requires that state and local emergency plans take into account the needs of individuals with household pets and service animals before, during, and after an emergency. New York State uses the nationally recognized County Animal Response Team model to develop and promote animal response capabilities across the state. The local effort will be administered by the Monroe County Office of Emergency Management.

The Homeland Security funds will support the purchase and stocking of a trailer that will provide temporary shelter for animals in the event of an emergency or disaster. The trailer, one of several statewide, will be made available to any regional shelter to use in response to State emergencies.

The agreement covers the terms and conditions of use of the trailer by the Rochester Police Department's Animal Services staff. No City funds are required at this time; participating agencies would be expected to replace any items used. This is the first time the City has participated in this program.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-122
(Int. No. 133)

Authorizing An Agreement With The County Of Monroe For The Companion Animal Sheltering Equipment (CASE) 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 County of Monroe for participation in the Companion Animal Sheltering Equipment (CASE) Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-123
Re: Agreement - Monroe County/Firearms
Instruction

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funding in the amount of \$55,675 for 2010-11 Firearms Instruction Program. The Monroe County Legislature authorized this agreement on March 8, 2011.

The County provides reimbursement for a portion of the salary and benefits of firearms instructors to train officers in Monroe County police agencies. The instruction is provided by RPD officers.

No budget amendment is needed, as the positions were included in the 2010-11 Budget of the Police Department. The previous agreement for \$85,513, authorized in August 2009 (Ord. No. 2009-286), provided funding for an eighteen-month period, January 1, 2009 through June 30, 2010. This agreement will cover the one-year period of July 1, 2010 - June 30, 2011.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-123
(Int. No. 134, As Amended)

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

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for reimbursement for the 2010-11 Firearms Instruction Program.

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

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 a professional services agreement between the City and The Rochester Police Department Police Athletic/Activity League, Inc. to provide positive role models and community-based sports and educational programs for youth. Said amount shall be funded from the 2010-11 Budget of the Rochester

Police Department.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Councilmember McFadden moved to return Int. No. 135 to Committee.

The motion was seconded by Councilmember Miller

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 135
Re: Agreements - Joint Facility Use

Transmitted herewith for your approval is legislation authorizing an agreement with the City School District for joint use and maintenance of the following facilities:

- Adams Street Community Center/Nathaniel Rochester Community School
- Flint Street Community Center/School No. 19
- South Avenue Community Center/School No. 12

These facilities were constructed in 1971 (Flint and South) and 1972 (Adams) for joint or shared use by the City and City School District, and agreements providing for such use were executed in 1971 and 1972. Various amendatory agreements were subsequently executed. The most recent consolidated agreement was authorized through Ordinance No. 2005-268, and expires on June 30, 2011.

The agreement will continue to specify the rights and responsibilities of each party for each of the following:

- Hourly space utilization
- Supervision responsibilities
- Maintenance and custodial responsibilities
- Equipment use, repair and replacement
- Sharing of utility costs
- Liability and indemnification responsibilities

In addition, the agreement will specify the hourly fees to be paid by the District for use of the recreation facilities. These fees are consistent with the fees charged by the District for use of its facilities.

The agreement will have an initial term of three years with provision for renewal for an additional two renewal periods of three years each.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Introductory No. 135

AUTHORIZING AN AGREEMENT WITH THE CITY SCHOOL DISTRICT FOR THE JOINT USE AND MAINTENANCE OF FACILITIES

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the City School District for the joint use and maintenance of the Flint Street Community Center/School No. 19, South Avenue Community Center/School No. 12, and the Adams Street Community Center/Nathaniel Rochester Community School. The agreement shall extend for a term of three years, with an option for renewal for two additional terms of three years upon mutual consent.

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

Section 3. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-124
Re: Agreement - Sam Asher Computing Services, Inc. (d/b/a Asher Group),
Emergency Telephone Information Notification System

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum annual compensation for an agreement with Sam Asher Computing Services, Inc. d/b/a Asher Group (Rochester 14618) for emergency telephone information notification system services for the Emergency Communications Department. The cost of this agreement will be financed from the 2010-11 and subsequent annual budgets of the Emergency Communications Department (ECD), contingent upon their approval. The term of the agreement will be for one year (June 1, 2011 - May 31, 2012) with the option for two one-year renewals.

The emergency telephone information notification service enables ECD to assist law enforcement, fire, and EMS agencies by quickly providing warnings and emergency instructions to large groups of people in the immediate area of a critical incident via the telephone. The system will make up to three attempts to reach each telephone number within the selected group, and will leave messages on answering machines. Calling campaigns will include both listed and unlisted telephone numbers, and both residential and business telephone numbers.

Requests for Proposals were mailed to 53 potential vendors. Proposals were received from six firms, including: Intrado Inc., Colorado; Everbridge, California; SWN Communications Inc., New York City; Dialogic Communications, Florida; Emergency Communications Network, Florida; and Sam Asher Computing Services, Inc. Asher Group offered the most compliant and the least expensive proposal for the services requested.

The cost of this agreement will be reimbursed by Monroe County under the 9-1-1 Operating Agreement.

Respectfully submitted,
R. Carlos Carballada
Acting Mayor

Ordinance No. 2011-124
(Int. No. 150)

Establishing Maximum Compensation For A Professional Services Agreement For Emergency Telephone Notification 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 professional services agreement between the City and Sam Asher Computing Services, Inc., d/b/a the Asher Group, for emergency telephone information notification system services for the 911 Emergency Communications Center for a term of one year, with two additional one-year renewal options. Said amount shall be funded from the 2010-11 and subsequent Budgets of the Emergency Communications Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:29 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MAY 24, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services

*Eugene J. Lupinetti

Finance Department

*Raymond A. Grosswirth

Police Department

*Jose M. Nobrega

*Mark A. Scipioni

*Did not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Haag

RESOLVED, that the minutes of the Special Meeting of April 14, 2011 and the Regular Meeting of April 26, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4048-11, 4049-11

Quarterly Reports 4050-11

Claims Reports

Delinquent Receivables

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition requesting that the recreation centers not be closed, 16 signatures. Petition No. 1650

Petition requesting that the Charlotte Branch Library not be closed, 102 signatures. Petition No. 1651

Petition in support of the development of 399 Gregory Street as public parking and green space, 104 signatures. Petition No. 1652

Petition requesting that the Lyell Avenue Firehouse not be closed, 298 signatures. Petition No. 1653

Petition requesting that the Highland Branch Library not be closed, 246 signatures. Petition No. 1654

Petition requesting that the Winton Branch Library not be closed, 2,235 signatures. Petition No. 1655

PUBLIC HEARINGS.

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

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 162 No speakers.

Changing The Zoning Classification Of 419 And 427 Latta Road From R-1 Low Density Residential To R-3 High Density Residential Int. No. 167 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District Int. No. 175 No speakers.

Approving Changes In The Pavement Width Of Driving Park Avenue In The Vicinity Of Ramona Street Int. No. 178 No speakers.

Approving Changes In The Pavement Width Of The South Avenue Extension From Woodbury Boulevard To Its Dead End Int. No. 179 No speakers.

Amending The Official Map By Abandonment Of A Portion Of West Broad Street And Authorizing Its Sale Int. No. 180 No speakers.

Approving An Increase In The Pavement Width Of Akron Street From Atlantic Avenue To East Main Street Int. No. 181 1 speaker Sharon McGovern.

Approving A Decrease In The Pavement Width Of Keller Street At Garnet Street Int. No. 182 No speakers

Granting An Easement And Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Jefferson Avenue Int. No. 196 No speakers

Changing The Traffic Flow On East Broad Street From Broadway To Chestnut Street From One-Way Westbound To Two-Way Int. No. 210 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 24, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 153 - Cancellation Of Taxes And Charges

Int. No. 154 - Local Law Amending The City Charter With Respect To The Assignment Of Fund Balances

Int. No. 155 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For A Document Management Software System

Int. No. 158 - Authorizing A Professional Services Agreement For Medical Services For Civilian Employees

Int. No. 159 - Establishing Maximum Compensation For A Professional Services Agreement For Actuarial Services

Int. No. 160 - Authorizing An Amendatory Lease Agreement For The Lease Of Municipal Lot #18

Int. No. 161 - Approving Apportionment Of Taxes And Charges

Int. No. 163 - Establishing Maximum Compensation For A Professional Services Agreement With General Code Publishers For Publication Of The City Charter And Code

Int. No. 188 - Local Law Extending The Time For Adoption Of The 2011-12 Budget

Int. No. 190 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2011 Assessment Roll

Int. No. 191 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2011 Assessment Roll

Int. No. 198 - Amending the 2010-11 Budget For Parking At Durand Eastman Beach

Int. No. 199 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Parking Stations At Durand Eastman Beach

Int. No. 211 - Local Law Amending The City Charter With Respect To Council District Boundaries

Int. No. 212 - Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting Council For Broadcast Of City Council Meetings

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 162 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

The following entitled legislation is being held in Committee:

Int. No. 157 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For State Lobbying Services

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-125
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 \$1,358.03.

The subject property at 500 South Avenue is located within the South Avenue/Alexander Open Space District. The budget of \$6,500 for the South Avenue/Alexander Open Space District normally levied annually was funded from unused previous assessments. The budgeted amount was erroneously levied on the 2010-11 tax bill for the district.

If these cancellations are approved, total cancellations thus far for 2010-11 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	40	\$124,447.18
Administrative	252	81,009.46
Total	292	\$205,456.64

These cancellations represent 0.088% of the taxes receivable as of July 1, 2010.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-46

Ordinance No. 2011-125
(Int. No. 153)

Cancellation Of Taxes And Charges

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

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

(A) The budget of \$6,500.00 for the South Avenue/Alexander Open Space District normally levied annually was funded from unused previous assessments. The budgeted amount was erroneously levied on the 2010-11 tax bill for the district.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
121.56-2-1	N/H	2010	\$1,358.03
500 South Avenue			
Grand Total			\$1,358.03

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 3
Re: Authorization for Director of Finance To "Assign" Fund Balance

Transmitted herewith for your approval is legislation authorizing the Director of Finance to "Assign" fund balance in all funds in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54, issued in February 2009, and effective for the City's financial statements for the fiscal year ending June 30, 2011.

According to the Statement, "Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance... Intent should be expressed by (a) the governing body itself or (b) a body (a budget or finance committee, for example) or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes."

The objective is to enhance the usefulness of fund balance information by providing clearer classifications and by clarifying the existing definitions of governmental fund types. The Statement establishes a hierarchy of fund balance classifications based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the funds.

The initial distinction that is made in reporting fund balance information is identifying amounts that are considered nonspendable, such as fund balance associated with inventories. The Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints

that control how specific amounts can be spent.

The restricted fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.

Amounts in the assigned fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

Unassigned fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned. Governments are required to disclose information about the processes through which constraints are imposed on amounts in the committed and assigned classifications.

Respectfully submitted,
Thomas S. Richards
Mayor

Local Law No. 3
(Int. No. 154)

Local Law Amending The City Charter With Respect To The Assignment Of Fund Balances

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 6-15, Expenditures pursuant to appropriations or authorizations, to read in its entirety as follows:

§ 6-15. Expenditures pursuant to appropriations or authorizations.

No money shall be drawn from the treasury of the City except pursuant to appropriation or authorization made by the Council, and whenever appropriations or authorizations are so made, the City Clerk shall forthwith give notice thereof to the Director of Finance and Budget Director. The Director of Finance is authorized to assign amounts to be used for specific purposes. At the close of each fiscal year, the unassigned balance of each appropriation, except an appropriation made for a

stores fund or a capital fund or a trust fund, contained in the annual appropriation ordinance or legally added thereto shall revert to the fund from which it was appropriated and shall be subject to future appropriation from such fund. An appropriation from a capital fund or a trust fund shall continue in force until the purposes for which it was made shall have been accomplished or abandoned.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-126
Re: Agreement - SMG, Festival Site Management

Transmitted herewith for your approval is legislation establishing \$23,800 as maximum compensation for an agreement with SMG/Blue Cross Arena (Jeff Calkins, Manager), for management and promotion of the Riverside Festival Site. The cost of this agreement will be funded from the 2011-12 Budget of the Bureau of Communications (\$17,800) and the Rochester Events Network Trust Fund (\$6,000).

This site is a City-owned parking lot located at the corner of Court Street and Exchange Boulevard. Services related to this agreement include management of the site for the 2011 summer season, including reservation and promoter management, barricade set up, provision of two office and talent trailers, displacement of parking on event days, and box office services for ten City-produced Party in the Park concert events. Box office services will cost a maximum of \$600 per each of ten events (\$6,000). Party in the Park concert events will take place on ten consecutive Thursday evenings beginning June 16, 2010. A fee of \$2 is planned to be charged all attendees over the age of 12. This new revenue will help offset operating expenses for this event series.

A similar agreement with SMG was authorized by Ord. No. 2010-178 in June 2010. The additional cost of \$6,000 for the 2011 agreement is to pay for box office services during Party in the Park events.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-47

Ordinance No. 2011-126
(Int. No. 155)

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 \$23,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG for the management and promotion of the Riverside Festival Site. Of said amount, \$17,800 shall be funded from the 2011-12 Budget of the Bureau of Communications, contingent upon adoption of said budget, and \$6,000 is hereby appropriated from the Rochester Events Network Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-127
Re: Agreement - ExtraDev, Inc.,
Document Management System

Transmitted herewith for your approval is legislation establishing \$27,000 as maximum compensation for an agreement with ExtraDev, Inc., Rochester 14623, for document management software and related technical support services. The cost of this agreement will be funded from the 2009-10 Cash Capital allocation for the Information Technology Department.

In 2008, the Department of Neighborhood and Business Development implemented a document management system developed by ExtraDev and paid for with by a New York State Education Department grant for reducing the department's reliance on paper records (Ordinance No. 2008-87). The proposed agreement will allow the system to be expanded to include the Municipal Code and Parking Violations Bureau and the Department of Environmental Services.

ExtraDev was selected because they designed and developed the original system. This agreement will be for a term of one year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-127
(Int. No. 156)

Establishing Maximum Compensation For A Professional Services Agreement For A Document Management Software System

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

Section 1. The sum of \$27,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with ExtraDev, Inc. to expand the Department of Neighborhood and Business Development document management software

system and provide technical support for one year. 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:

Ordinance No. 2011-128
Re: Agreement - Concentra Health
Centers of NY, P.A., Medical Services
For Non-Uniformed Employees

Transmitted herewith for your approval is legislation authorizing a three-year agreement with Concentra Health Centers of NY, P.A. to provide medical services for non-uniformed City employees. The cost of the agreement will be funded from the annual Budgets For Undistributed Funds beginning with 2011-12.

Costs are based on a fee-for-service schedule determined by the New York State Workers' Compensation Board. The agreement shall also provide additional special services as specified in the attached document.

A request for proposal was mailed to five targeted vendors and posted on the City's website. Proposals were received from three vendors: Strong Occupational and Environmental Services, Concentra Health Centers of NY, P.A.; and Boris Shmigel, M.D.

A review committee, with representatives from the Bureau of Human Resource Management, Department of Environmental Services, and POMCO, the City's Third Party Administrator (TPA) for workers' compensation, unanimously agreed on Concentra based on cost and their ability to meet the City's needs. Concentra's centrally located clinic will reduce emergency room visits and their system for processing reports will enable timely payments to employees.

Concentra Health Centers of NY, P.A. will provide the following services:

- Evaluations of applicants for City positions to ensure they are physically capable of performing the duties of the jobs for which they are being considered;
- Evaluations of current City non-uniformed employees to ensure they are physically capable of performing their job duties;
- Medical examinations and occupational medical consultations as needed; and
- Drug and alcohol screening testing.

This agreement will provide the option for two one-year renewals.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-48

Ordinance No. 2011-128
(Int. No. 158)

Authorizing A Professional Services Agreement For Medical Services For Civilian Employees

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

Section 1. The Mayor is authorized to enter into an agreement with Concentra Health Services of NY, P.A. for medical services for civilian City employees for a term not to exceed three years, with an option to renew for two additional one-year periods. The agreement shall provide for all regular medical services and for additional special services, the fees for which may be established in the agreement and which shall not exceed funds available in the annual budgets for Undistributed Expense for this purpose.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-129
Re: Workers' Compensation Actuarial Consultant

Transmitted herewith for your approval is legislation establishing \$3,500 as maximum annual compensation for a five-year agreement with Madison Consulting Group, Inc., Madison, Georgia, for actuarial services related to the City's liability for workers' compensation. Total compensation for this five-year agreement would be a total of \$17,500. The cost will be funded from the annual budgets of the Finance Department, beginning with fiscal year 2010-11.

The City auditor, Freed Maxick & Battaglia, PC, Certified Public Accountants, has recommended that the City enlist the services of a qualified actuary to assist in the estimation process for the liability of workers' compensation claims. Actuarial-based estimates would reduce the risk of misstatement of such liabilities in the City's annual financial statements and would be an improvement over the currently used in-house estimates that are based on historical cost.

Six actuarial firms responded to the City's request for proposals. In addition to Madison Consulting Group, they were: Pinnacle Actuarial Resources,

Inc., GA; Actuarial Risk Consultants LLC, Tinton Falls, NY; AMI Risk Consultants, Inc., FL; By the Numbers Actuarial Consulting, Inc., TN; and Oliver Wyman Actuarial Consulting, Inc., Melville, NY.

The proposal submitted by Madison Consulting, which serves clients throughout the country, including Rochester, best demonstrated the ability to produce the desired reports and analysis. They also provided the least costly proposal.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-129
(Int. No. 159)

Establishing Maximum Compensation For A Professional Services Agreement For Actuarial Services

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

Section 1. The sum of \$3,500, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement with the Madison Consulting Group, Inc. for actuarial services related to the City's workers compensation liability, for a term not to exceed five years. Said amounts shall be funded from the 2010-11 and subsequent Budgets of the Department of Finance, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-130
Re: Amendatory Lease Agreement -
Municipal Lot 18

Transmitted herewith for your approval is legislation authorizing an amendment to a lease agreement for Municipal Lot 18 to reflect the new owner of the adjacent building at 316-350 East Main Street, and to reduce the lease amount.

Municipal Lot 18, located at 61 North Chestnut Street, has been leased to the Farash Corporation since 1995 to meet the parking needs of tenants for the building at 316-350 East Main Street, formerly known as the First Federal Building. That lease was most recently renewed for a five-year period in October 2010 (Ordinance No. 2010-350). As part of the Farash Corporation's reorganization, ownership of this property was transferred to Chestnut Square LLC.

Upon assuming ownership, Chestnut Square LLC requested a review of the lease for the lot. An

independent appraisal conducted by Midland Appraisal Associates, Inc. on February 10, 2011, determined that \$1,200 is an appropriate monthly lease amount for the parcel.

All other terms and conditions for the lease will remain the same.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-49

Ordinance No. 2011-130
(Int. No. 160)

Authorizing An Amendatory Lease Agreement For The Lease Of Municipal Lot #18

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

Section 1. The Mayor is hereby authorized to enter into an amendatory lease agreement with Chestnut Square LLC for the continued lease of Municipal Lot #18 at 61 North Chestnut Street for parking for the tenants of 316-350 East Main Street, whereby the annual rent shall be reduced from \$18,000 to \$14,400, payable in equal monthly amounts of \$1,200.

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. 2011-131
Re: Apportionment of Taxes and Charges

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 16 properties. This apportionment has been certified by the Assessor and is authorized by Section 6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2010-11. These taxes and charges, which total \$67,113.58, 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 2011 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-50

Ordinance No. 2011-131
(Int. No. 161)

Approving Apportionment Of Taxes And Charges

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester pursuant to Section 6-78 of the Charter of the City of Rochester on April 13, 2011, 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. 2011-132
Re: Publication of the City Charter and Code

Transmitted herewith for your approval is legislation establishing maximum compensation of \$58,290 for a three-year professional services agreement with General Code, LLC for maintenance and publication of the City Charter and Code in both paper and electronic versions. This reflects a reduction of \$7,050 compared to the most recent three-year agreement; the reduction was proposed by General Code to demonstrate their recognition of the City's current fiscal problems. The cost of the proposed agreement will be funded from the 2011-12 and future budgets of the City Council/City Clerk (\$56,775) and the Department of Neighborhood and Business Development (\$1,515).

The proposed agreement will provide for continued maintenance of the Charter and Code through the preparation of new sections and amendments as approved by the City Council and signed into law by the Mayor, including both the paper and electronic versions of these volumes. As part of this agreement, General Code will continue to work with the City's Law Department to ensure that both the electronic and paper versions of the City Charter and Code accurately reflect laws as adopted.

The proposed agreement also provides for a continuation of the City's Code and Charter to be maintained on the Internet. The Internet version includes jump-links that connect web users to related City documents, such as the Comprehensive Plan.

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead:	+0.8
Non-Homestead:	-0.6

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 20, 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-51

Ordinance No. 2011-133
(Int. No. 190)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2011 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 2011 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions		
41.96495%		58.03505%
Current percentage		
60.40020%		39.59980%
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. 2011-134
(Int. No. 191)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2011 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 adjusted base proportions, assessed value, and net change in assessed value for the City's 2011

assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion		
.4192487		.5807513
Taxable assessed value		
3,460,812,261		2,268,176,003
Net change in assessed value from 2010 resulting from physical and quantity changes		
+11,112,000		+39,641,600
Net change in assessed value from 2010 resulting from other than physical and quantity changes		
-5,769,000		-9,495,100

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-135 and
Ordinance No. 2011-136
Re: 2010-11 Budget and Municipal
Code Amendments - Parking
Paystations for Durand Eastman
Beach

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$60,000 from Contingency to Cash Capital (Effectiveness and Efficiency) to fund the purchase of six CALE parking paystations to be installed at Durand Eastman Beach; and amending Article III (Parking Stations) of the Municipal Code to include Durand Eastman Beach and authorizing the Parking Director to establish a set fee of \$3 for parking at the Beach.

The paystations will be the same equipment initially purchased by the City and installed in April 2010. There are now 95 paystations citywide that have replaced single space parking meters; customer feedback has been positive, and the equipment has operated exceptionally well.

As one of many tactics to deal with the budget deficit facing the City for 2011-12, it is proposed that these additional machines be installed at the beach. A daily fee of \$3 will be collected for parking in Lots A and B, providing revenue to partially support operation and maintenance of the swimming and parking areas.

Paid parking will be in effect daily from 8 am-8 pm from June 1 to October 1. There are currently 403 available parking spaces at Durand Eastman

Beach on Lots A and B, which are nearest the swimming area. Parking for the 60 spaces in Lots C and D, farther east of the swimming area, will continue to be free.

The annual cost to operate and maintain the beach is \$207,300. Parking revenue is estimated at between \$120,000 to \$180,000.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-52

Ordinance No. 2011-135
(Int. No. 198)

Amending The 2010-11 Budget For Parking At Durand Eastman Beach

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$60,000 from the Contingency allocation to the Cash Capital allocation to fund the purchase of parking paystations for the parking lots at Durand Eastman Beach.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-136
(Int. No. 199)

Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Parking Stations At Durand Eastman Beach

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

Section 1. Section 111-107 of the Municipal Code, Fees for use of individual parking spaces, as amended, is hereby further amended by amending subsection B thereof by adding the words “, and at Durand Eastman Beach on Sundays when a fee is charged,” after the words “Port of Rochester” where they are contained therein.

Section 2. Section 111-112 of the Municipal Code, Application of receipts from parking stations, as amended, is hereby further amended by adding the words “and Durand Eastman Beach” after the words “Port of Rochester” where they are contained therein.

Section 3. Section 111-113 of the Municipal Code, Parking rates for parking stations, as amended, is hereby further amended by amending the introductory phrase thereof to read in its entirety as follows:

The following rates are established for parking

in parking stations where the Parking Director does not establish a set fee:

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 5
Re: Charter Amendment - Redistricting

Transmitted herewith for your approval is legislation to amend the City Charter with regard to the boundaries of the City Council districts. Subsequent to each decennial census, it is required that voting districts be reconfigured to reflect the "one person, one vote" rule. Generally, that rule requires that districts vary by not more than 3% from an "ideal" number, which is defined as the total population divided by the number of districts. The current City population total in the 2010 Census is 210,565; dividing this number by four would mean that the "ideal" number for each Council district would be 52,641 persons.

The 2010 population for each District is as follows:

<u>District</u>	<u>Population</u>	<u>Ideal</u>	<u>Variance</u>	<u>Percentage</u>
East	54,256	52,641	1615	3.1%
Northeast	51,190	52,641	-1451	-2.8%
Northwest	52,740	52,641	99	0.2%
South	52,379	52,641	-262	-0.5%

As you can see, two of the current Council districts (NW and S) are well within the legal standard, one (E) is outside it and one (NE) is barely within the standard. Adjustments are required to be made by moving individual Election Districts (EDs) from one Council District to another. In order to bring the districts into compliance, the following changes are being proposed:

<u>ED</u>	<u>From District</u>	<u>To District</u>	<u>Population</u>
25-21	East	Northeast	837
25-25	East	Northeast	1110

The results of these minor shifts would be as follows:

<u>Proposed District</u>	<u>Population</u>	<u>Ideal</u>	<u>Variance</u>	<u>Percentage</u>
East	52,309	52,641	-332	-0.6%
Northeast	53,137	52,641	496	0.9%

Northwest			
52,740	52,641	99	0.2%
South			
52,379	52,641	-262	-0.5%

The net result will be more equal districts, no disruption of neighborhood boundaries, and continued compact districts. A full analysis has been completed of impacts on various racial and ethnic populations to ensure conformance with the Voting Rights Act. The proposed minor changes conform to all legal requirements and continue the City's commitment to a redistricting process that respects neighborhood boundaries and that values compactness and continuity. A public comment opportunity was held on May 12; no comments were received.

Respectfully submitted,
Lovely A. Warren
President

Local Law No. 5
(Int. No. 211)

**Local Law Amending The City Charter
With Respect To Council District Boundaries**

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending subsections A and B of Section 5-3, Districts, to read in their entirety as follows:

- A. The Northeast District shall include all the area described within the boundaries as follows:

Beginning at the intersection of the center line of the Genesee River with the shore of Lake Ontario; Thence southerly along the center line of the Genesee River to its intersection with the center line East Main Street; Thence easterly along the center line of East Main Street to its intersection with the center line of East Avenue; Thence southeasterly along the center line of East Avenue to its intersection with the center line of North Chestnut Street; Thence northerly along the center line of North Chestnut Street to its intersection with the center line of East Main Street; Thence easterly along the center line of East Main Street to its intersection with the center line of North Goodman Street; Thence northerly along the center line of North Goodman Street to its intersection with Clifford Avenue; Thence easterly along the center line of Clifford Avenue to its intersection with Lyceum Street; Thence northerly along the center line of Lyceum Street to its interception with Fernwood Park; Thence easterly along the center line of Fernwood Park to its intersection with Walbar Street; Thence south-

erly along the center line of Walbar Street to its intersection with Clifford Avenue; Thence easterly along the center line of Clifford Avenue to its intersection with Woodman Park; Thence northerly along the center line of Woodman Park to its intersection with Seymour Road; Thence easterly along the center line of Seymour Road to the easterly boundary of the City; Thence northerly along the easterly boundary of the City to the northerly boundary of the City; Thence westerly along the northerly boundary of the City to a point 33 feet easterly from the center line of Culver Road; Thence northerly and parallel to the center line of Culver Road to a point 33 feet northerly from the center line of Hoffman Road produced easterly; Thence northwesterly parallel to the center line of Hoffman Road to a point 33 feet easterly from the center line of Wisner Road; Thence northerly and parallel to the center line of Wisner Road to the southerly boundary of Durand Eastman Park; Thence easterly along the southerly line of Durand Eastman Park to the easterly line of Durand Eastman Park; Thence generally northerly along the easterly boundary of Durand Eastman Park to the shore of Lake Ontario; Thence westerly along the shore of Lake Ontario to the westerly line of Durand Eastman Park; Thence generally southerly along the westerly line of Durand Eastman Park to the intersection of the southerly line of Durand Eastman Park; Thence generally easterly along the southerly line of Durand Eastman Park to a point 33 feet westerly from the center line of Wisner Road; Thence southerly and parallel to the center line of Wisner Road to a point 33 feet south of the center line of Hoffman Road produced westerly; Thence southeasterly and parallel to the center line of Hoffman Road to a point 33 feet westerly from the center line of Culver Road; Thence southerly and parallel to the center line of Culver Road to the northerly boundary line of the City; Thence westerly along the northerly line of the City to the easterly line of the City on the east side of the Genesee River; Thence generally northerly along the said easterly City line to the shore of Lake Ontario; Thence northwesterly to the center of the Genesee River and the point of beginning.

- B. The East District shall include all the area described within the boundaries as follows:

Beginning on the center line of the Genesee River and its intersection with the center line of East Main Street; Thence easterly along the center line of East Main Street to its intersection with the center line of East Avenue; Thence southeasterly along the center line of East Avenue to its intersection with the center line of North Chestnut Street; Thence northerly along

the center line of North Chestnut Street to its intersection with the center line of East Main Street; Thence easterly along the center line of East Main Street to its intersection with the center line of North Goodman Street; Thence northerly along the center line of North Goodman Street to its intersection of Clifford Avenue; Thence easterly along the center line of Clifford Avenue to its intersection with Lyceum Street; Thence northerly along the center line of Lyceum Street to its intersection with Fernwood Park; Thence easterly along the center line of Fernwood Park to its intersection with Walbar Street; Thence southerly along the center line of Walbar Street to its intersection of Clifford Avenue; Thence easterly along the center line of Clifford Avenue to its intersection with Woodman Park; Thence northerly along the center line of Woodman Park to its intersection with Seymour Road; Thence easterly along the center line of Seymour Road to the easterly boundary of the City; Thence southerly along the easterly line of the City including the area known as Densmore Creek to the southerly boundary of the City; Thence westerly along the southerly boundary of the City to its intersection with Elmwood Avenue; Thence westerly along the center line of Elmwood Avenue to its intersection with the center line of South Goodman Street; Thence northerly along the center line of South Goodman Street to its intersection of Rockingham Street; Thence westerly along the center line of Rockingham Street to its intersection with Mount Vernon Avenue; Thence northerly along the center line of Mount Vernon Avenue to its intersection with Caroline Street; Thence easterly along the center line of Caroline Street to its intersection with Meigs Street; Thence northerly along the center line of Meigs Street to its intersection with Interstate 490; Thence generally northwest along the center line of Interstate 490 and the Inner Loop to the center line of the Genesee River; Thence northerly along the center line of the Genesee River to its intersection of the centerline of East Main Street and the place of beginning.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-137
Re: Agreement with WXXI to Broadcast
City Council Meetings

Transmitted herewith for your approval is legislation establishing \$58,500 as maximum compensation for a three-year professional services agreement with WXXI Public Broadcasting Council to

continue to provide technical staff for the live broadcasts of City Council Meetings.

WXXI has been operating the equipment since the inception of live broadcasts in January 2008. These contract services have enabled a seamless feed from the Chambers to the City Channel 12, which is operated by WXXI.

As part of this contract, WXXI staff will set up the City's broadcast equipment prior to each Council session, test the audio/video signal being transmitted to WXXI's State Street studio, and provide technical direction, video recording, master control, and closed captioning services. The agreement will provide funding for the broadcast of regular monthly City Council meetings, City Council committee meetings, two full-day budget hearings, web streaming, plus an allocation for two organization meetings and contingency.

The basic fees for each of the years of the agreement are as follows:

<u>Service</u>	<u>Item Cost</u>	<u>Total Annual Cost</u>
Council meetings	\$ 600	\$ 7,200
Committee meetings	600	7,200
Budget hearings	1,350	2,700
Web streaming, monthly	100	1,200
Organization meetings and contingency		1,200
Total		\$19,500

Respectfully submitted,
Lovely A. Warren Carolee A. Conklin
President Chair,
Finance Committee

Ordinance No. 2011-137
(Int. No. 212)

Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting Council For Broadcast Of City Council Meetings

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

Section 1. The sum of \$19,500, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting Council for the broadcast of City Council Meetings for a term of three years. Said amounts shall be funded from the 2011-12 and subsequent Budgets of the City Council/City Clerk, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance 1638
Re: Special Assessment District
Parking Lots

Transmitted herewith for your approval is legislation authorizing special district assessments for five neighborhood commercial and residential parking lots and appropriating \$73,694 for operation and maintenance of the parking areas during 2011-12.

Special Assessment Districts were established in 1979 for seven 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. Properties associated with two of these lots, South Avenue and Parker Place, are no longer participating, thereby reducing the number of lots to five.

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 total appropriation of assessments for 2011-12 is:

Parking lot assessments - July 1, 2011	\$71,294
Unused assessment - prior years	<u>2,400</u>
Total	<u>\$73,694</u>

A summary of charges by district is attached.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-53

Local Improvement Ordinance No. 1638
(Int. No. 162)

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 2011-12:

<u>Parking Area</u>	<u>Unused Assessments From Prior Years</u>	<u>LIO</u>	<u>Total Amount</u>
Culver/Merchants		1534	
\$32,592	-0-		\$32,592
Monroe Avenue		1604	
13,800	\$2,400		16,200
North Street		1258	
7,000	-0-		7,000
Lyell Avenue		1548	
8,002	-0-		8,002
Woodside/Goodwill		1517	
9,900	-0-		9,900

Section 2. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 157 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-138
Re: Agreement - Bolton-St. Johns,
State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Bolton St. Johns, Albany NY, for continued State lobbying services. This agreement will be for a term of sixty days initially, with the option to extend on a month-to-month basis for an additional four months. The cost of the agreement will be financed from the 2010-11 (\$8,000) and 2011-12 (\$16,000) Budgets of the Mayor's Office. The cost reflects a 20% reduction in the firm's previous rate in recognition of the City's current budget situation.

Bolton St. Johns will provide the following services:

- 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.

- Identify and review all bills that could affect the City and, as directed by the City, present comments concerning these bills.
- Review and analyze the annual State budget with respect to its impact on the City; monitor the necessary and suitable funding.
- 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.
- Coordinate the above activities with the NY Conference of Mayors and other "Big 5" cities, as necessary.
- Provide advice on meeting legislative and regulatory objectives; develop a written strategic plan.
- Provide general advice on legislative and regulatory matters.

The firm has provided these services for the City since 2006. The specified term of this agreement will allow for consistent service through the current legislative cycle and the ability to continue if desired.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-138
(Int. No. 157)

Establishing Maximum Compensation For An Amendatory 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 \$24,000, 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 Bolton-St. Johns, LLC for the provision of State lobbying services. Of said amount, \$8,000 shall be funded from the 2010-11 Budget of the Office of the Mayor and \$16,000 shall be funded from the 2011-12 Budget of the Office of the Mayor, contingent upon the adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
May 24, 2011

To the Council:

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

Int. No. 164 - Authorizing The Sale Of Real Estate And Granting An Increase In An Easement

Int. No. 165 - Authorizing The Sale Of The Former Josh Lofton Building

Int. No. 166 - Authorizing Agreements For The Lead Hazard Control Program

Int. No. 172 - Approving The 2011-12 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 173 - Authorizing An Agreement With The County Of Monroe For Review Of Planning And Zoning Matters

Int. No. 174 - Authorizing An Application And Agreement For The Lead Hazard Control Program

Int. No. 189 - Approving A Loan Agreement For The Lincoln Alliance Building Project

Int. No. 192 - Amending The 2010-11 Budget For A Soccer Field For The Blue Cross Arena At The War Memorial

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

Int. No. 167 - Changing The Zoning Classification Of 419 And 427 Latta Road From R-1 Low Density Residential To R-3 High Density Residential

Int. No. 175 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District

The following entitled legislation is being held in Committee:

Int. No. 168 - Resolution Approving Appointments To The Rochester Preservation Board

Int. No. 169 - Resolution Approving Reappointments To The Zoning Board Of Appeals

Int. No. 170 - Resolution Approving Appointments To The Rochester Environmental Commission

Int. No. 171 - Resolution Approving Appointments To The City Planning Commission

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOP-

MENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-139
Re: Sale of Real Estate and Authorizing
An Increase to an Easement at
1205 N. Clinton Avenue

Transmitted herewith for your approval is legislation approving the sale of 22 properties and authorizing an easement.

Sales

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 property is a parking lot being purchased by the adjacent owner who will combine it with their current property. The second property is a vacant lot being purchased by the adjacent owner. It will be maintained as green space and combined with their respective parcel. The next two properties are vacant lots being purchased by the same adjacent owner; they will be maintained as green space, fenced in and combined with his existing property.

The next eighteen properties are unbuildable vacant lots, each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these twenty-two (22) properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,073.

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.

Easement

Ordinance No. 2006-388, authorized the donation to Monroe County of an easement at the Rochester Fire Department facility at 1205 N. Clinton Avenue for the purpose of construction and maintaining a communications tower, which is utilized by Fire, Police and Emergency Medical Services. This legislation will increase the easement area from 409 square feet to 754 square feet, to allow the addition of a 12-foot by 24-foot equipment storage shed and generator. The additional easement area will be granted for no monetary con-

sideration.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-54

Ordinance No. 2011-139
(Int. No. 164)

Authorizing The Sale Of Real Estate And Granting An Increase In An Easement

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>Sq. Ft.</u>	<u>Price</u>
265 Clarissa St 121.37-2-62.1	84x132	11,172	\$5,000
	Flying Squirrel Community Space, Inc.*		
434 North St 106.57-3-74.1	84x111	6,534	\$2,300
1338-1340 E. Main St 107.69-1-50	42x125	5,375	\$ 450
19-21 Chamberlain St 107.69-1-47	40x128	5,120	\$ 450

* Board Members: Robert Good, Member; Theodore Forsyth, Member; Dawn Zuppelli, Member

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Sq. Ft.</u>
102 Campbell St 120.27-1-26	25x102	2,550
	First Pentecostal Church, Inc.**	
23 DeJonge St 106.31-2-45	35x145	5,110
26 Dodridge St 060.44-2-47.1	20x39	871
32 Florack St 091.58-3-17	60x17	1,230
151 Floverton St 122.33-1-49.1	40x39	1,306
902 Genesee Park Blvd 135.23-2-63	47x10	470
665 N. Goodman St 106.60-1-34	33x83	2,739
Pt. of 861R Harvard St 122.54-3-30.1	45x27	1,215
911R Harvard St 122.54-3-37	45x29	1,306
	Richard Schreiber	

Pt. of 925R Harvard St	45x29	1,305
122.54-3-41.1	Stephen & Lonna Pennington	
Pt. of 991R Harvard St	45x27	1,215
122.55-2-32.1	R. Fischman & C. High	
1001B Harvard St	54x17	918
122.55-2-31.9	K. Schmitz & H. Smith	
644-648 Jay St	42x80	3,360
105.82-1-83	Juan Rivera	
9 Kondolf St	42x60	2,520
105.82-1-72	Flora Johnson	
154 Morrill St	76x96	7,405
106.23-1-16.1	VMS Development LLC***	
191 Orange St	25x163	4,100
105.83-3-52	Kevin Parson	
67 Seward St	33x132	4,356
121.53-1-47	Friendship United Missionary Baptist Church****	
70 Westmoreland Dr	45x15	675
135.84-2-29	Andrew & Shannon Morrell	

- ** Corporation Members: Rev. Nicolas Gonzalez, Jr., President; Cynthia Gonzalez, Secretary; Rose Santos, Treasurer; Isabel Montanez, Sub-Secretary; Marisol Alicea, Sub-Secretary; Vecente Zayas, Vocal; Mary Diaz, Vocal
- *** Board Members: William Burke-Mattis, President & Sole Proprietor
- **** Council Members: Benjamin James, Deacon; Eugene Pickett, Deacon

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. The Council further grants an increase in the area of the permanent easement authorized in Ordinance No. 2006-388 to the County of Monroe over a portion of the City parcel at 1205 North Clinton Avenue, for the construction and maintenance of a communications tower, to approximately 754 square feet to allow for a storage shed and generator.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-140
Re: Sale of Real Estate -
242 W. Main Street

Transmitted herewith for your approval is legislation authorizing the sale of 242 W. Main Street, the former Josh Lofton Alternative Education High School, to Lofton Lofts LLC for the appraised value of \$285,000. This amount was determined by an independent appraisal completed on April 13, 2010 by Bruckner, Tillett, Rossi, Cahill & Associates.

The property is a City-owned parcel located at the western edge of the Central Business District, on the corner of W. Main Street and Cascade Drive. The parcel consists of a four-story wood frame and brick building totaling approximately 52,200 square feet.

The purchaser, Lofton Lofts LLC, is jointly owned, in equal shares, by Passero Associates Engineering and Architecture, 100 Liberty Pole Way, Rochester, and Spoleta Construction, 7 Van Auker Street, Rochester. They were selected through a request for proposal process; proposals were also received from Franklin Properties/Dutton, Buckingham Properties, and Costanza Enterprises, Inc.

Lofton Lofts LLC plans for redevelopment of the building include relocating their corporate headquarters to the basement, first, and second floors of the building. They anticipate 65-70 employees will occupy that space. There will also be 4,000 square feet of retail space available on the first floor. The third and fourth floors will be converted into loft apartments, providing a total of 20 apartments, 18 of which will be 2 bedroom apartments. Lofton Lofts LLC's timetable for redevelopment and occupancy is 12 months following the real estate closing.

Cost estimates for development of the building are:

Uses of funds:	
Building acquisition	\$ 285,000
Soft costs	964,000
Hard costs	5,227,633
Design contingency	<u>270,000</u>
Total	\$6,746,633
Sources of funds:	
Owner equity	\$1,721,633
Bank financing	<u>5,025,000</u>
Total	\$6,746,633

The economic benefits of the proposed sale include: 1) the redevelopment of a large vacant and underutilized building in the western end of the city center and directly across the street from the new Nothnagle Realtors' headquarters at 217 W. Main Street; 2) increase in property tax revenue; and 3) increase in both commercial and residential use in the area.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-55

Ordinance No. 2011-140
(Int. No. 165)

Authorizing The Sale Of The Former Josh Lofton Building

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

Section 1. The Council hereby approves the sale of the former Josh Lofton Alternative Education High School Building at 242 West Main Street, SBL #121.29-1-11.1, to Lofton Lofts LLC for the sum of \$285,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-141
Re: Agreement - Greater Rochester Health Foundation, Lead Hazard Control Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Health Foundation (GRHF) for the receipt and use of a grant of \$87,365 to support the City's lead hazard control program.

In 2007, the GRHF awarded the City a \$1.5 million grant which was used along with City funds to control lead-based paint hazards in privately-held housing in a target neighborhood in the 14621 community. To date, \$1,196,862 of that grant has been used to produce 101 units of lead safe housing. The remaining funds have been committed to produce an additional 34 units of lead-safe housing.

The GRHF is offering the City these additional funds to continue work in the 14621 community. In combination with \$62,000 of 2008 and 2009 HUD funding, the grant will produce approximately 10 units of lead-safe housing at an estimated cost of \$15,000 per unit. It is expected that these funds will be fully committed by September 1, 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-141
(Int. No. 166)

Authorizing Agreements For The Lead Hazard Control Program

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the Greater Rochester Health Foundation for funding for the Lead Hazard Control Program.

Section 2. The Mayor or his designee is hereby further authorized enter into such agreements as may be necessary to implement the Lead Hazard Control Program.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$87,365, and

said amount, or so much thereof as may be necessary, is hereby appropriated from Lead Hazard Control Program funds to be received under the grant agreement authorized in Section 1.

Section 4. The agreements shall contain such 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. 2011-142
Re: Cultural Center Commission - 2011-12 Budget

Transmitted herewith for your approval is legislation relating to the 2011-12 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve and appropriate the budgets proposed by the Commission for the period of July 1, 2011 through June 30, 2012 in the amount of \$1,000,619; and
2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on March 30, 2011. They have been reviewed by the Budget Bureau of the City and Office of Management and Budget of Monroe County.

Approval of the budgets by the City Council and County Legislature is required by Chapter 613 of the law of 1979 of the State of New York. Delegation to the Commission of the authority to subsequently expend funds from the budgets was approved by the Council on September 9, 1980 and Legislature on September 30, 1980.

The total amount of funds available to the Commission for use during the 2011-2012 fiscal year is \$1,000,619.

<u>Budget Summary</u>	<u>2011-12</u>	<u>2009-10</u>
Operating:		
Salaries	\$48,554	\$37,282
Fringe benefits	21,446	30,356
Office supplies/ equipment	0	100
Telephone and postage	600	1,300
Printing and advertising	0	500
Training and meeting	300	500
Professional service	10,000	10,000
Marketing	0	1,000
Contingency	500	500
Total	\$81,400	\$81,538

Capital:		
Development	\$ 686,268	\$128,823
Streets/open space	219,851	218,728
Administration	81,400	81,538
Annual audit	13,100	12,500
Total	\$1,000,619	\$441,589

Any funds remaining from the 2009-10 budget will be re-appropriated for the 2011-12 budget.

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 16, 2009, per Ordinance No. 2009-206, for the 2009-10 budget. The Commission has a comparable ability to approve the transfer of operation appropriations pursuant to a Council authorization of September 9, 1981.

A budget for the Commission was not prepared for fiscal year 2010-11 because during that time the City and County were in discussions regarding the future of the Commission. It was agreed that the Commission would continue until such time that Commission real assets were either sold or transferred to third-party ownership. The Commission currently is owner of three properties in the City of Rochester: East End Parking Garage (475 E. Main St.); 403 E. Main Street (open space); and 420 E. Main Street (1.5 acre development parcel currently operated as a surface parking lot).

The proposed 2011-12 budget reflects anticipated revenue of \$683,000 from the sale of two properties to the University of Rochester: 403 and 420 E. Main St. The sale of these properties requires approval of both the County Legislature and City Council; the request for approval by City Council will be submitted in separate legislation for June, 2011 consideration.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-142
(Int. No. 172)

Approving The 2011-12 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 2011-12 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 1 of 2011. 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. 2011-143
Re: Inter-Municipal Agreement -
Monroe County General Municipal
Law, Article 12-B

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County exempting certain local municipal zoning, planning and subdivision matters from review at the County level.

In accordance with Sections 239-m and 239-n of the New York State General Municipal Law (NYS GML) and Sections C5-4A and C5-4C of the County Charter, municipalities are required to submit certain local zoning and planning actions, subdivision plats, and land use projects within 500 feet of the City boundary or other specified uses, or within the Monroe County Airport Review Area, to the Monroe County Department of Planning and Development for review. The purpose of the review is to identify inter-community and county-wide impacts of proposed projects and to bring land use actions to the attention of neighboring municipalities and agencies with jurisdiction.

A list of zoning and subdivision matters to be exempted from County review is attached.

The purpose of the exemption agreement is to make the land development review process more cost-effective and efficient. By making routine requests such as certain area variance, special permit and subdivision requests exempt from the referral requirement, the City will be able to control and expedite the approval process for development and redevelopment projects.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-56

Ordinance No. 2011-143
(Int. No. 173)

Authorizing An Agreement With The County Of Monroe For Review Of Planning And Zoning Matters

BE IT 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 exemption of certain local zoning,

planning and subdivision matters from County review.

Ordinance No. 2011-144
(Int. No. 174)

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. 2011-144
Re: Agreement - U.S. Department of
Housing and Urban Development,
Lead Hazard Control Grant Application

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Housing and Urban Development for an application for a Lead Hazard Control grant in the amount of \$3,500,000.

The grant 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 \$875,000 will be combined with \$2,875,000 of the HUD grant to address lead paint remediation for a total of 250 residential units over a three-year period, with an average loan of \$15,000 per unit. The remaining \$625,000 of HUD funds will be applied to lead-based paint inspections, child blood testing, lead-safe work practices training, contractor 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.

Respectfully submitted,
Thomas S. Richards
Mayor

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. 2011-145
Re: Loan Agreement - Franklin
Properties, 181-187 E. Main
Street; and Financing A Housing
Revolving Loan Fund

Transmitted herewith for your approval is legislation authorizing a \$3,000,000 loan agreement with Franklin Properties, or a single-purpose LLC to be formed by Franklin Properties (Principals: Douglas Sutherland, Robert Medina, Ted Kinder, and Patrick Dutton), for the adaptive re-use of the building at 181-187 E. Main Street. This legislation will also create a Housing Revolving Loan Fund by appropriating the following amounts to be included in the account: \$99,794 from 2009-10 Cash Capital fund balance; \$900,000 from the 2008-09 Cash Capital fund balance; and \$1,700,000 from the Downtown Local Improvement Fund. The Cash Capital fund balances are a result of repayments of previous loans. This new Fund will be used to support affordable housing projects.

The loan to Franklin Properties will be funded as follows:

Housing Revolving Loan Fund	\$2,699,794
2004-05 Cash Capital	269,887
2008-09 Cash Capital	30,113
2009-10 Cash Capital	206
Total	\$3,000,000

The rehabilitation of the building at 181-187 E. Main Street, known as the Lincoln Alliance Building and currently used as office and retail space, will include 113 residential units and renovation of approximately 40,000 square feet of commercial space. Renovation is anticipated to start in Summer 2011.

The City funds will provide gap financing in the

form of a bridge loan until New York State and Federal historic rehabilitation tax credits become available at the point when the construction loan is converted to permanent financing. The City loan will have a 30-month term with an interest rate of 1% if the loan is secured with a letter of credit, or 3% if it is secured through a lien on assets or other means.

The loan requires that 15% of the residential units, 16 units, be affordable for rent to households earning no more than 120% of the area median income (AMI) for a term of ten years.

The sources and uses of permanent financing for the Lincoln Alliance Building are summarized below:

<u>Source</u>	
Permanent Mortgage	\$14,200,000
Historic Rehab Tax Credits	5,700,000
Equity	<u>1,980,000</u>
Total	\$21,880,000
 <u>Use</u>	
Property Acquisition	\$ 2,500,000
Hard Costs - Construction	12,195,000
Soft Costs	565,000
Developer Fee & Overhead	640,000
Contingency	1,770,000
Operations Reserve	1,150,000
Construction Management	950,000
Financing Fees/Interest	1,170,000
Carrying Costs	150,000
Tax Credit Exit Fee	<u>790,000</u>
Total	\$21,880,000

The project does not qualify for tax abatements under the Core Urban Exemption program, due to the project cost, the resulting increase in the assessed value, and the requirements of the financing at a 1.25 debt service coverage ratio. The developers, however, are requesting a 20-year modified tax abatement through COMIDA with the following terms: 100% abatement for years 1-6 (to cover the term for payment of historic tax credit fees), followed by a reduction of the abatement by 5% each year through year 20. The total tax revenue over 20 years would be \$2,947,307, which is nearly four times more than what it would be without the renovation and partial abatement.

SEQR review has been completed. This is an Unlisted action; lead agency was coordinated with all involved agencies and a Negative Declaration was issued on March 29, 2011.

The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan as needed.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-145
(Int. No. 189)

Approving A Loan Agreement For The Lincoln Alliance Building 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 Franklin Properties, or an entity to be formed by Franklin Properties, whereby the City shall provide a loan to partially finance the costs of the construction of housing units as a part of the acquisition and rehabilitation of the Lincoln Alliance Building at 181-187 East Main Street. The funding shall be provided as a thirty month construction loan with interest of 1% if secured by a letter of credit, or 3% if secured through a lien on assets or through other means. 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 \$3,000,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Housing Revolving Loan Fund which is hereby established. The sum of \$99,794.03 is hereby reappropriated from the fund balance of the 2009-10 Cash Capital Fund, \$900,000 is hereby reappropriated from the fund balance of the 2008-09 Cash Capital Fund, \$269,887 shall be funded from the 2004-05 Cash Capital allocation, \$30,113 shall be funded from the 2008-09 Cash Capital allocation, \$205.97 shall be funded from the 2009-10 Cash Capital allocation, and \$1,700,000 is hereby appropriated from the Downtown Local Improvement Fund, to fund the Housing Revolving Loan Fund.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-146
Re: Amending the 2010-11 Budget -
Blue Cross Arena Soccer Equipment

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$150,000 from the War Memorial Fund to Cash Capital for the purchase of equipment necessary for the operation of indoor soccer games at the Blue Cross Arena at the War Memorial.

This amendment will allow for the purchase of synthetic field grass and goals to support the newly formed Rochester Lancers indoor soccer team. The owners of the team, Saving Soccer, LLC, have a three-year lease with SMG to hold all home games at the Blue Cross Arena at the

War Memorial.

Under the existing agreement between the City and SMG, it is estimated that the City's share of revenue will cover this cost after two full seasons of operation. The season will run annually from November through February beginning in 2011. If after the conclusion of the second season enough revenue was not paid back to cover the cost of this equipment, the owner agrees to reimburse the City for the difference.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-146
(Int. No. 192)

Amending The 2010-11 Budget For A Soccer Field For The Blue Cross Arena At The War Memorial

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$150,000, which amount is hereby appropriated from the War Memorial Fund to fund an indoor field and goals for indoor soccer at the Blue Cross Arena at the War Memorial.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-147
Re: Zoning Map Amendment -
419 and 427 Latta Road

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 419 and 427 Latta Road from R-1 Low Density Residential to R-3 High Density Residential.

The rezoning has been requested by the owner of the property, Diraimo Enterprises, LLC, a commercial painting business located at 427 Latta Road, to facilitate redevelopment of the property. The proposal is to retain the painting business in a building at the front of the property and to demolish the remaining structures, formerly a lumber yard, to construct three 12-unit apartment buildings with related parking.

The Planning Commission held an informational meeting on April 11, 2011. There were no speakers in support or opposition to this proposal. By a vote of 6-0, the Commission recommended approval. The minutes of that meeting are attached.

The proposal requires Site Plan Approval. Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an Unlisted Action.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-57

Ordinance No. 2011-147
(Int. No. 167)

Changing The Zoning Classification Of 419 And 427 Latta Road From R-1 Low Density Residential To R-3 High Density Residential

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 419 and 427 Latta Road, from R-1 Low Density Residential to R-3 High Density Residential:

All that tract or parcel of land, situated in the City of Rochester, County of Monroe, and State of New York, Being Part of Town Lot 29, Township 2, Short Range, more particularly described as follows:

Beginning at a point on the southerly Right-of-Way of Latta Road; said point being in common with the northeast property corner of lands now or formerly of the B&O Rail Road Company and the northwest corner of lands now or formerly of Diraimo Enterprises with address at 427 Latta Road (Tax Account No. 047.61-01-29) thence;

1. Easterly along the south right-of-way of Latta Road a distance of 104.62 feet to a point; thence,
2. Southeasterly, a distance of 36.46 feet to a point; thence,
3. Southeasterly, a distance of 73.01 feet to a point; thence,
4. Continuing southeasterly along the Ontario State Parkway right-of-way, a distance of 113.32 feet to a point at the intersection of the westerly right-of-way line of Lemoyne Avenue; thence,
5. Southerly, along the western right-of-way of Lemoyne Avenue, a distance of 199.54 feet to a point; thence,
6. Southeasterly along a curve continuing along the Lemoyne Avenue right-of-way, a distance of 93.55 feet to a point at the

southeastern property corner of 427 Latta Road; thence,

- 7. Westerly, along a line parallel to the Latta Road right-of-way, a distance of 276.74 feet to a point; thence,
- 8. Northerly, a distance of 438.5 to the point of beginning.

Section 2. This resolution shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1639
Re: Special Assessment District -
Alexander Street and South
Avenue Open Space Maintenance

Transmitted herewith for your approval is legislation approving the 2011-12 budget for the South Avenue/Alexander Street Open Space Maintenance Special Assessment District located at 62 Alexander Street. The budget provides funding for the 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 was 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 budget of \$2,930 is based on an annual maintenance estimate obtained by the South Wedge Planning Committee (SWPC). Costs include mowing of grass, trimming shrubs, watering, weeding, trash pickup and removal, fall leaf clean-up, security equipment operation, and repair 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.

There is no assessment imposed for 2011-12 upon properties in the district since there is a total of \$9,976 in unused assessments from prior years.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Local Improvement Ordinance No. 1639
(Int. No. 175)

Local Improvement Ordinance - Establish-

ing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District

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

Section 1. The cost of the special work and services to be assessed for the 2011-12 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$2,930, which amount is hereby appropriated from unused assessments from prior years.

Section 2. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 115 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 115 was introduced April 26, 2011 and appears in its original form with its transmittal letter on page 115 of the current Council Proceedings.

Attachment No. AK-58

Ordinance No. 2011-148
(Int. No. 115)

Changing The Zoning Classification Of 814 Elmwood Avenue And 19 Cook Street From R-1 Low Density Residential To C-V Collegetown Village

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 168
Re: Reappointments and
Appointments - Rochester
Preservation Board

Transmitted herewith for your approval is legislation confirming the reappointment of four members and the appointment of two new members to the Rochester Preservation Board.

The following individuals will be reappointed:

<u>Member Since</u>	<u>Current Term Expired</u>	<u>New Term To Expire</u>
<u>Attendance</u>		
Michael Warfield February 2008 96%	September 2009 September 2013	
Deborah Beardslee August 2002 79%	August 2009 August 2012	
Mimi Tilton September 2007 75%	September 2009 September 2013	
Paul McAndrew December 1994 88%	November 2008 November 2012	

The following individuals will be appointed:

Daniel Habza, 17 Arnold Park 14607, will fill a vacancy created by Jon Schick, whose term has expired. His term will extend to May 2013.

Bonita Helen Mayer, 48 Atkinson Street, will fill the vacancy created by Gar Lowenguth, whose term expired in February 2008. Her term will extend to February 2012.

Resumes are available for review in the City Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 168

RESOLUTION APPROVING APPOINTMENTS TO THE ROCHESTER PRESERVATION BOARD

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

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

<u>Name</u>	<u>Expiration of Term</u>
Michael Warfield	September 30, 2013
Deborah Beardslee	August 31, 2012
Mimi Tilton	September 30, 2013
Paul McAndrew	November 30, 2012

Section 2. The Council hereby approves the appointment of Daniel Habza, 17 Arnold Park, to the Rochester Preservation Board for a term which shall expire on May 31, 2013. Mr. Habza shall replace Jon Schick, whose term has expired.

Section 3. The Council hereby approves the appointment of Bonita Helen Mayer, 48 Atkinson Street, to the Rochester Preservation Board for a term which shall expire on February 29, 2012. Ms. Mayer shall replace Gar Lowenguth, whose

term has expired.

Section 4. This resolution shall take effect immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 169
Re: Reappointments - Zoning
Board of Appeals

Transmitted herewith for your approval is legislation confirming the re-appointment of the following members to the Zoning Board of Appeals:

<u>Member Since</u>	<u>Current Term Expired</u>	<u>New Term To Expire</u>
<u>Attendance</u>		
Roseanne Khaleel April 2000 79%	September 2009 May 2013	
Eric Van Dusen January 1998 84%	September 2009 May 2013	
Joseph O'Donnell March 2008 62%	March 2010 March 2012	
Patrick Tobin July 2006 62%	June 2008 June 2012	
Elizabeth Bosek October 2006 87%	Oct 2008 October 2012	

Resumes are available for review in the City Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 169

RESOLUTION APPROVING REAPPOINTMENTS TO THE ZONING BOARD OF APPEALS

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

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

<u>Name</u>	<u>Expiration of Term</u>
Roseanne Khaleel	May 31, 2013
Eric Van Dusen	May 31, 2013
Joseph O'Donnell	March 31, 2012
Patrick Tobin	June 30, 2012
Elizabeth Bosek	October 31, 2012

Section 2. This resolution shall take effect

immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 170
Re: Reappointments and Appointment -
Rochester Environmental Commission

Transmitted herewith for your approval is legisla-
tion confirming the reappointment of six mem-
bers and the appointment of one new member to
the Rochester Environmental Commission.

The following individuals will be reappointed:

Member <u>Since</u>	Current Term <u>Expired</u>	New Term <u>To Expire</u>
Eugene Gartland April 1987 100%	March 2011 March 2014	
Rosemary Jonientz April 2002 71%	April 2009 April 2012	
Richard Pospula July 2008 83%	July 2011 July 2014	
Patsy Robertson April 1991 71%	March 2011 March 2014	
Thomas Tuori April 2002 54%	April 2010 April 2013	
Tanya Zwahlen July 2008 63%	July 2011 July 2014	

Ian F. Kuchman, 155 McKinley Street 14609,
will be appointed to fill the vacancy created by
the resignation of Molly Doyle whose term ex-
pired in July of 2010. Mr. Kuchman's term will
extend to May 2013.

Resumes are available for review in the City
Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 170

**RESOLUTION APPROVING APPOINT-
MENTS TO THE ROCHESTER ENVIRON-
MENTAL COMMISSION**

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
Rochester Environmental Commission for terms
which shall expire as follows:

<u>Name</u>	<u>Expiration of Term</u>
Eugene Gartland	March 31, 2014
Rosemary Jonientz	April 30, 2012
Richard Pospula	July 31, 2014
Patsy Robertson	March 31, 2014
Thomas Tuori	April 30, 2013
Tanya Zwahlen	July 31, 2014

Section 2. The Council hereby approves the
appointment of Ian F. Kuchman, 155 McKinley
Street, Rochester, to the Rochester Environmental
Commission for a term that will expire on July
31, 2013. Mr. Kuchman shall replace Molly
Doyle, whose term has expired.

Section 3. This resolution shall take effect
immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 171
Re: Reappointments and Appointment -
City Planning Commission

Transmitted herewith for your approval is legisla-
tion confirming the reappointment of six mem-
bers and the appointment of one new member of
the City Planning Commission. The following
individuals will be reappointed:

Member <u>Since</u>	Current Term <u>Expired</u>	New Term <u>To Expire</u>
David Watson October 2001 92%	April 2010 April 2013	
Steven V. Rebholz June 2004 92%	April 2010 April 2012	
Donna P. Suchy May 2005 88%	February 2010 February 2013	
Julio Vazquez July 2009 100%	February 2010 February 2013	
Heidi Zimmer-Meyer January 2006 81%	January 2010 January 2012	
Eugenio Marlin January 2006 73%	January 2010 January 2012	

The expiration dates have been adjusted based on
original appointment dates to ensure that the
expiration of terms are staggered.

Helen B. Hogan, 78 Oakland Street, will be ap-
pointed to fill the vacancy created by the resigna-
tion of William G. Clark in November 2010. Her
term will extend to May 2012.

Resumes are available for review in the City
Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 171

RESOLUTION APPROVING APPOINTMENTS TO THE CITY PLANNING COMMISSION

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

Section 1. The Council hereby approves the reappointment of the following persons to the City Planning Commission for terms which shall expire as follows:

<u>Name</u>	<u>Expiration of Term</u>
David Watson	April 30, 2013
Steven V. Rebholz	April 30, 2012
Donna P. Suchy	February 28, 2013
Julio Vazquez	February 28, 2013
Heidi Zimmer-Meyer	January 31, 2012
Eugenio Marlin	January 31, 2012

Section 2. The Council hereby approves the appointment of Helen B. Hogan, 78 Oakland Street, to the City Planning Commission for a term which shall expire on May 31, 2012. Ms. Hogan shall replace William G. Clark, who has resigned.

Section 3. This resolution shall take effect immediately.

Item held.

By Councilmember Miller
May 24, 2011

To the Council:

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

Int. No. 176 - Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Redevelopment Project

Int. No. 177 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Improvements To City Hall

Int. No. 193 - Establishing Maximum Compensation For A Professional Services Agreement For The Lake Avenue Improvement Project

Int. No. 194 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$840,000 Bonds Of Said City Finance The Reconstruction Of Various Water Mains In The City Related To The Jefferson Avenue Water Main Replacement Project

Int. No. 195 - Establishing Maximum Compensation For Professional Services Agreements

For The Jefferson Avenue Water Main Replacement Project And Water Filtration, As Amended

Int. No. 197 - Authorizing Agreements For The Eastman And Genesee Riverway Urban Trail Linkages Project

Int. No. 200 - Establishing Maximum Compensation For A Professional Services Agreement For The El Camino: Butterhole-Seneca Park Trail Improvement Project And Amending Ordinance No. 2007-388

Int. No. 201 - Authorizing The Implementation And Funding Of The El Camino: Butterhole-Seneca Park Trail Improvement Project

Int. No. 202 - Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations And Amending The 2010-11 Budget

Int. No. 203 - 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 \$425,000 Bonds Of Said City To Finance The Additional Cost Of The Design And Construction Of Certain Shared Green Alternative Fueling Stations

Int. No. 126A - Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2011, As Amended

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

Int. No. 178 - Approving Changes In The Pavement Width Of Driving Park Avenue In The Vicinity Of Ramona Street

Int. No. 179 - Approving Changes In The Pavement Width Of The South Avenue Extension From Woodbury Boulevard To Its Dead End

Int. No. 180 - Amending The Official Map By Abandonment Of A Portion Of West Broad Street And Authorizing Its Sale

Int. No. 181 - Approving An Increase In The Pavement Width Of Akron Street From Atlantic Avenue To East Main Street

Int. No. 182 - Approving A Decrease In The Pavement Width Of Keller Street At Garnet Street

Int. No. 196 - Granting An Easement And Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Jefferson Avenue

Int. No. 204 - Establishing Maximum Compensation For A Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 205 - Bond Ordinance Of The City Of

Rochester, New York, Authorizing The Issuance Of \$4,033,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 206 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$608,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 207 - Approving An Amendment To The Lease By The Rochester Urban Renewal Agency Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

Int. No. 208 - Authorizing The Acquisition Of Parcels From The Rochester Urban Renewal Agency

Int. No. 209 - Authorizing The Acquisition By Negotiation Or Condemnation Of Temporary Easements And Parcels For The East Broad Street/Chestnut Street/Court Street Improvement Project And Amending Ordinance No. 2010-133, As Amended

Int. No. 210 - Changing The Traffic Flow On East Broad Street From Broadway To Chestnut Street From One-Way Westbound To Two-Way

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-149
Re: Amendatory Agreement -
LaBella Associates, P.C.,
Midtown Redevelopment Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., Rochester, for final design services for the Midtown Redevelopment Project. This amendment will increase maximum compensation by \$2,085,000 for a total of \$3,035,000. The additional cost will be funded from a prior Federal (Transportation Community and System Preservation grant) appropriation (\$840,000 from Ord. No. 2011-64), 2007-08 Cash Capital (\$723,736), 2008-09 Cash Capital (\$402,564), 2008-09 Water Cash Capital (\$40,000) and 2009-10 Water Cash Capital (\$78,700).

The original agreement, authorized in January

2010 (Ord. No. 2010-19) for scoping and preliminary design services, provided maximum compensation of \$950,000. The resulting "Midtown Redevelopment Project: Final Design Report" will be used as the basis for the final design. A copy of that report is on file with the City Clerk. The report includes:

- a new internal street grid, including new streets, street enhancements, pedestrian corridors, and reconstruction of existing streets;
- reconstruction and rehabilitation needs of the adjacent streets;
- initial open space recommendations;
- public utility needs (such as sewers, street lighting and potable and Holley water mains);
- recommendations for the underground parking garage improvements (repairs and rehabilitation for reopening the garage, relocation and modifications to exit and entrance ramps);
- recommendations for modifications to the underground truck and construction of a new pedestrian service tunnel (reconstruction for new and proposed users, new street level access, maintenance during redevelopment);
- site work and site restoration requirements (grading the entire site prior to construction and restoration of vacant parcels prior to future development), and
- feasible alternates for the site redevelopment.

In addition to the design report, the scoping and preliminary design resulted in a recommended plan which has several alternates. The plan and alternates were presented to the Midtown Advisory Committee and at a public meeting, both held on January 18, 2011. Minutes from these meetings are attached.

The City Planning Commission (CPC) has reviewed the site plan under the City's land subdivision regulations and approved the subdivision plan by a vote of 6-0-0 at their April 11, 2011 meeting. Amendments to the Official Map resulting from that subdivision will be sought from Council at a later date. The CPC Notice of Decision of that approval is attached.

The redevelopment project is divided into four construction contracts; LaBella Associates' final design will prepare the contracts as necessary to manage timing of construction activities to align with PAETEC's funding and construction schedule. The estimated construction cost (including resident project representation services and contingency) and proposed start of construction for each of the contracts are as follows:

<u>Contract</u>	<u>Start of Construction</u>	<u>Estimated Construction Cost</u>
#1: Truck & pedestrian service tunnel	fourth quarter 2011	\$7.3 million
#2: Parking garage modifications	fourth quarter 2011	\$10.3 million
#3: New streets and public utilities	third quarter 2012	\$13.1 million
#4: Open space and pedestrian corridors	third quarter 2013	\$2.8 million

LaBella Associates was selected to provide the final design based on their familiarity with the project and the capabilities and availability of their staff.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-59

Ordinance No. 2011-149
(Int. No. 176)

Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Redevelopment Project

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

Section 1. The sum of \$2,085,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with LaBella Associates, P.C. for final design services for the Midtown Redevelopment Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$840,000 shall be funded from the appropriation of United States Department of Transportation funds in Section 5 of Ordinance No. 2011-64, \$723,736 shall be funded from the 2007-08 Cash Capital allocation, \$402,564 shall be funded from the 2008-09 Cash Capital allocation, \$40,000 shall be funded from the 2008-09 Cash Capital allocation (Water), and \$78,700 shall be funded from the 2009-10 Cash Capital allocation (Water).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-150
Re: Amendatory Agreement - Mesick
Cohen Wilson Baker Architects LLP,
City Hall Brownstone Masonry
Restoration

Transmitted herewith for your approval is legisla-

tion authorizing an amendatory agreement with Mesick Cohen Wilson Baker Architects LLP, Albany, for additional resident project representation (RPR) and construction administration services for the City Hall Brownstone Masonry Restoration project. The original agreement for \$800,000 was authorized in June 2006 (Ord. No. 2006-152). This amendment will increase maximum compensation by \$13,000 to a total of \$813,000. The additional cost will be funded from Bond Ordinance No. 2008-303.

Construction of the project was awarded to Lari Construction, Inc. in August 2008. The brownstone repair and replacement work was conducted over a two-year period, with a focus on stone repairs (by hand) in designated preservation priority areas. Areas showing the greatest deterioration risk required full stone replacement. Masonry repair and restoration methods involved using in-kind sandstone material along with surface re-tooling, partial and comprehensive repointing and minimal composite repairs at lower areas. Other work included repointing of the original mortar joints, dormer and chimney repairs, logetta stabilization and staining methods to blend new stone with existing stone.

Mesick Cohen Wilson Baker Architects, in conjunction with local firm PLAN Architectural Studio, P.C., provided RPR and construction administration services for the duration of the project. Due to inclement weather in late 2010, portions of the masonry work in the lower north-east to southeast corners (including the portico) required delay until spring 2011. The amendatory agreement is for the additional RPR services needed to complete the project.

The project will ensure that the building's masonry will not need additional major restoration for up to a century. The City received a \$350,000 Environmental Protection Fund, Historic Preservation grant from the New York State Office of Parks, Recreation and Historic Preservation for portions of the project. Other historic preservation awards continue to be sought by the Department of Environmental Services, Bureau of Architecture and Engineering, to recognize the scale of this preservation effort in the region.

The project will be completed by the end of May 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-150
(Int. No. 177)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Improvements To City Hall

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

Section 1. The sum of \$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 Mesick, Cohen, Wilson, Baker Architects, LLP, for resident project representation and construction administration services for the City Hall Stone Masonry Restoration 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. 2008-303.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-151
Re: Agreement - T.Y. Lin International,
Lake Avenue Improvement Project

Transmitted herewith for your approval is legislation establishing \$508,000 as maximum compensation for an agreement with T.Y. Lin International, Rochester, for engineering planning and design services for the Lake Avenue Improvement Project.

This Lake Avenue Improvement Project is a Federal Aid project administered by the City through the New York State Department of Transportation (NYSDOT), and is identified in the City's 2010-11 Capital Improvement Program. The City is qualified to receive up to 80% of the eligible project costs from the Federal Highway Administration with the remaining 20% being a local share. Up to 75% of the eligible local share project costs qualify to receive reimbursement through the NYS Marchiselli Aid Program.

The non-local share of the agreement costs will be financed from anticipated reimbursements from the Federal Highway Administration (\$406,400) and anticipated reimbursements from the New York State Marchiselli Aid Program (\$76,200) as authorized by City Council in July 2010 (Ord. No. 2010-257). The local share of design costs were authorized in December 2010 (Ord. No. 2010-434).

The project includes street reconstruction or rehabilitation, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting system and tree plantings.

NYSDOT has established a pre-approved list of regional engineering firms from which project sponsors may obtain engineering services for Federal Aid transportation projects. From this list, twelve firms submitted letters of interest; four of them were selected by a committee for interview: Bergmann Associates, P.C.; T.Y. Lin International; Hunt Engineers, Architects & Land Surveyors, P.C.; and Stantec Consulting Services, Inc. Based upon the qualifications of their team

and knowledge of the project, T.Y. Lin International is recommended.

Design of the project will begin in Summer 2011 and is anticipated to be completed in Spring 2013.

Construction of Lake Avenue is expected to take place starting in 2013.

This agreement will create or retain an equivalent of 5.5 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-60

Ordinance No. 2011-151
(Int. No. 193)

Establishing Maximum Compensation For A Professional Services Agreement For The Lake Avenue Improvement Project

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

Section 1. The sum of \$508,000, 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 T.Y. Lin International for engineering planning and design services for the Lake Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$25,400 shall be funded from the 2008-09 Cash Capital allocation, \$406,400 shall be funded from the Federal Highway Administration funds appropriated in Section 3 of Ordinance No. 2010-257, and \$76,200 shall be funded from the New York State Department of Transportation funds appropriated in Section 4 of Ordinance No. 2010-257.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-152,
Ordinance No. 2011-153 and
Ordinance No. 2011-154

Re: Jefferson Avenue Water Main
Replacement Project

Transmitted herewith for your approval is legislation related to the Jefferson Avenue Water Main Replacement Project (Seward Avenue - Champlain Street). This legislation will:

1. Authorize the issuance of bonds totaling \$840,000 and the appropriation of the proceeds thereof to finance a portion of the costs of the water improvements.

2. Authorize an amendatory agreement with Fisher Associates, Rochester 14623, for additional design services.
3. Establish \$110,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for Resident Project Representation (RPR) services. The cost of this agreement will be funded from the bonds appropriated herein.
4. Amend the Official Map by dedicating a permanent easement as public right-of-way for street purposes.

Water main and street improvements for Jefferson Avenue were originally designed as a single project. Due to complications with the acquisition of easements authorized in April 2010 (Ord. No. 2010-124), the City-funded water main improvements have been separated. The federally-funded street improvements are delayed pending New York State approval of the acquisitions, which is anticipated in Summer or Fall 2011. The water main replacements will be done, as originally planned, in Spring 2011.

Fisher Associates is responsible for the design of both phases. The original agreement, authorized in July 2009 for \$230,000, was previously amended in April 2010 (an additional \$35,000 for design of a new water main system on Jefferson Avenue from Seward to Champlain Streets); and in February 2011 (an additional \$15,000 for additional design work to accommodate an above-ground piping system required to avoid rock excavation). This amendatory agreement for Fisher Associates will increase maximum compensation by \$41,000 for a total of \$321,000 for preparation of separate construction documents and revisions to meet 2011 New York State Department of Transportation (NYSDOT) specification requirements. The additional cost will be funded from the proposed bond issuance (\$16,000) and from the 2007-08 Cash Capital allocation of the Department of Environmental Services (\$25,000).

Bids for the Jefferson Avenue Water Main Replacement Project construction were received on May 3, 2011. The apparent low bid of \$647,340 was submitted by Gordon J. Phillips, Inc. which is 21.24% less than the engineer's estimate. An additional \$66,660 will be allocated for project contingencies. Construction costs are to be funded from the proposed bond issuance.

The bonding for this project was authorized in April 2011 through Ordinance No. 2011-88 which rescinded portions of previous bonds and recommended their reallocation for future street improvement projects.

NYSDOT has established a pre-approved list of regional engineering firms from which project sponsors may obtain engineering services for Federal Aid transportation projects. The City reviewed the statements of qualifications from the 15 firms on the current list and selected Stantec

for the project, based on their capabilities and availability of staff. In order to maintain continuity of RPR services, Stantec is recommended for both phases. Authorization of their services for the second phase will be sought at a future date.

The easement will provide space for an additional bus shelter. Based on a ridership survey, the Rochester-Genesee Regional Transportation Authority determined a bus shelter was needed on Jefferson Avenue in the vicinity of Frost Avenue; however, the existing right-of-way was insufficient to install the bus shelter in the preferred location. The new permanent easement on a portion of this 168 square foot City-owned parcel located at 546 Jefferson Avenue will expand the right-of-way to accommodate the bus shelter.

The Official Map Amendment will be presented to the Planning Commission at their May 16, 2011 meeting. Their recommendation and the minutes of that meeting will be forwarded to City Council prior to the May 24, 2011 Council meeting.

Public meetings for the Jefferson Avenue Revitalization Project, inclusive of the water main replacement work, were held on November 30, 2009, March 24, 2010 and September 27, 2010. Copies of the meeting minutes are on file with the City Clerk's office.

Construction will begin in Spring 2011, with substantial completion in Fall 2011.

The additional funding for Fisher Associates, and the agreement with Stantec will create or retain the equivalent of .5 and 1.2 full-time equivalent jobs, respectively. The contract with Gordon Phillips, Inc. will create or retain the equivalent of seven full-time jobs.

A public hearing for the Official Map Amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-61

Ordinance No. 2011-152
(Int. No. 194)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$840,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Jefferson Avenue Water Main Replacement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the

Jefferson Avenue Water Main Replacement 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 \$840,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$840,000 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 \$840,000 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 \$840,000. 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 antici-

tion 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. 2011-153
(Int. No. 195, As Amended)

Establishing Maximum Compensation For Professional Services Agreements For The Jefferson Avenue Water Main Replacement Project And Water Filtration

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

Section 1. The sum of \$41,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Fisher Associates for engineering planning and design services for the Jefferson Avenue Water Main Replacement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$16,000 shall be funded from a bond ordinance adopted for the Project and \$25,000 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Jefferson Avenue Water Main 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 a bond ordinance adopted for the Project.

Section 3. 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 lease and service agreement with Calgon Carbon Corporation for the use of granular activated carbon filter media at the Hemlock Lake Water Filtration Plant through June 30, 2012. Said amount shall be funded from the 2010-11 Budget of the Department of Environmental Services (Water Fund).

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2011-154
(Int. No. 196)

Granting An Easement And Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Jefferson Avenue

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

Section 1. The Council hereby grants a permanent easement for street purposes over the following described parcel and 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 Jefferson Avenue:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 171 of the 20,000 Acre Tract, and being more particularly bounded and described as follows: Beginning on the easterly ROW line of Jefferson Avenue (60' ROW), at a point that is 49.5 feet northerly of the intersection of the easterly ROW line of Jefferson Avenue with the northerly ROW line of Frost Avenue (60' ROW), said point also being the true Point or Place of Beginning; thence

- 1) North 00°59'38" West, along said easterly ROW line of Jefferson Avenue, a distance of 21.0 feet more or less to the northwest corner of lands at No. 546 Jefferson Avenue; thence
- 2) South 89°22' West, along the northerly

bounds of lands at No. 546 Jefferson Avenue, a distance of 8.0 feet to a point; thence

- 3) South 00°59'38" East, parallel with Jefferson Avenue and through lands at No. 546 Jefferson Avenue, a distance of 21.0 feet to a point; thence
- 4) South 89°22' West, through lands at No. 546 Jefferson Avenue, a distance of 8.0 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 168 square feet, more or less, all as shown as parcel P7 on a map entitled "Map of a Parcel of Land to be Dedicated - No. 546 Jefferson Avenue", prepared by the City of Rochester Office of Maps & Surveys and dated August 12, 2010.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-155
Re: Agreement - Clark Patterson Lee,
Eastman and Genesee Riverway
Urban Trails

Transmitted herewith for your approval is legislation establishing \$90,000 as maximum compensation for an agreement with Clark Patterson Lee for planning and preliminary design services related to the Genesee Riverway and Eastman Trails; and authorizing an agreement with the Genesee Transportation Council for the receipt and use of a Unified Planning Work Program grant of \$75,000 to partially finance the agreement. The \$15,000 balance of the cost of the agreement will be financed from 2009-10 Cash Capital.

The Eastman Trail is proposed as an east-west connection, through the Eastman Business Park, between the City's Genesee Riverway Trail at Kings Landing and the State's planned Route 390 Trail in the Town of Greece. The Genesee Riverway Trail (between Kings Landing Cemetery and Turning Point Park) is largely on sidewalk within the public right-of-way; a portion is on private property through an easement. The trail is proposed to be relocated from the Lake Avenue right-of-way to the Genesee River gorge edge; the off-road segments will also be upgraded to comply with current trail design and accessibility standards.

Clark Patterson Lee will provide planning and preliminary design for both the existing segment of the Genesee Riverway Trail and the proposed Eastman Trail. Planning and design will include: trail layouts and improvement plans that will consider possible alternatives and any needed property acquisitions or easements. They will

also provide corresponding cost estimates.

A request for proposals was advertised with the New York State Contract Reporter and sent directly to twenty local firms. Seven firms submitted proposals: Clark Patterson Lee; Fisher Associates; Barton & Loguidice, P.C.; RGE Landscape (New York City); Bayer Landscape Architecture (Honeoye Falls); edr Companies; and Bergmann Associates, P.C. Clark Patterson Lee was selected based upon their team qualifications, project knowledge, proposal strength, and ability to complete the project on schedule.

Planning and preliminary design will begin in June 2011 and be completed in April 2012.

This agreement will result in the creation or retention of the equivalent of one full-time job.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-62

Ordinance No. 2011-155
(Int. No. 197)

Authorizing Agreements For The Eastman And Genesee Riverway Urban Trail Linkages 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 Genesee Transportation Council for a Unified Planning Work Program Grant for the Eastman and Genesee Riverway Urban Trail Linkages Project.

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

Section 3. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Lee for planning and preliminary design services for the Eastman and Genesee Riverway Urban Trail Linkages Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$75,000 is hereby appropriated from funds to be received under the grant agreement authorized herein and \$15,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-156 and
Ordinance No. 2011-157
Re: Agreement - Bergmann Associates,
P.C., El Camino and Genesee
Riverway Trails

Transmitted herewith for your approval is legislation related to the El Camino: Butterhole to Seneca Park Trail and Genesee Riverway Trail Extension Project. This legislation will:

1. Establish \$210,000 as maximum compensation for an agreement with Bergmann Associates, P.C., for resident project representation (RPR) services. The cost of this agreement will be financed from Federal Highway Administration Transportation Enhancement Program funding authorized in Ordinance No. 2007-354.
2. Authorize an agreement with the New York State Department of Transportation (NYSDOT), for the receipt and use of \$50,000 in Multi-Modal aid. Receipt of funding is contingent upon the City's commitment of project funding.
3. Amend Ordinance No. 2007-388 to change the source of funds for the amendatory design agreement (\$50,000) with Bergmann Associates from NYSDOT to FHATEP funds authorized in Ordinance No. 2007-354.

The El Camino: Butterhole to Seneca Park Trail and Genesee Riverway Trail Extension Project includes construction of a pedestrian and bicycle trail along a former rail right-of-way, from the intersection of Mill and Brown Streets to Seneca Park; new signage; landscape improvements; and painting of and improvements to the former rail bridge over Route 104.

Bids for construction were received on May 3, 2011. The apparent low bid of \$1,590,250 was submitted by C.P. Ward, Inc. which is 14% less than the engineer's estimate. Funding for the project is as follows:

<u>Funding</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>
			<u>Total</u>
Federal TEP	\$1,390,250	\$210,000	\$109,694
			\$1,709,944
New York MM	50,000	0	0
			50,000
Kodak Grant	150,000	0	0
			150,000
Total	\$1,590,250	\$210,000	\$109,694
			\$1,909,944

Bergmann was selected from the NYSDOT list of pre-approved engineering firms to provide RPR services for this project based on their familiarity with the project, capabilities and availability of

their staff.

RPR services will begin with project construction. It is anticipated that construction will begin in June 2011 with scheduled completion in Fall 2011.

This project results in the creation or retention of the equivalent of 2.1 and 17.3 full-time consultant/professional and public works jobs, respectively.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-63

Ordinance No. 2011-156
(Int. No. 200)

Establishing Maximum Compensation For A Professional Services Agreement For The El Camino: Butterhole-Seneca Park Trail Improvement Project And Amending Ordinance No. 2007-388

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 Bergmann Associates, P.C. for resident project representation services for the El Camino: Butterhole-Seneca Park Trail Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the Federal Highway Administration funds appropriated in Section 3 of Ordinance No. 2007-354.

Section 2. Section 3 of Ordinance No. 2007-388, relating to an agreement for design services for the El Camino: Butterhole-Seneca Park Trail Improvement Project, is hereby amended by changing the source of the funding in the amount of \$50,000 from the New York State Department of Transportation funds appropriated in Section 6 of Ordinance No. 2007-354 to the Federal Highway Administration funds appropriated in Section 3 of Ordinance No. 2007-354.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-157
(Int. No. 201)

Authorizing The Implementation And Funding Of The El Camino: Butterhole-Seneca Park Trail Improvement Project

WHEREAS, a Project for the El Camino: Butterhole-Seneca Park Trail, P.I.N.

4MA044.30A (the Project") is eligible for funding under Title 23, U.S. Code, as amended, and New York State Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

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

Section 1. The Council hereby approves the El Camino: Butterhole-Seneca Park Trail Improvement Project.

Section 2. The Council hereby authorizes the City of Rochester to pay in the first instance 100% of the federal, state, and local share of the cost of the work for the Project or portions thereof.

Section 4. The sum of \$2,270,000 appropriated in Ordinance No. 2007-354 and the sum of \$395,000 from the funds appropriated in Bond Ordinance No. 2005-132 are hereby made available to cover the cost of participation in the Project.

Section 5. In the event the full federal, state, and local share of costs of the project exceeds the amount appropriated above, the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof.

Section 6. The Mayor of the City of Rochester is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the City of Rochester with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible.

Section 7. A certified copy of this ordinance shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-158 and
Ordinance No. 2011-159
Re: Green Fueling Stations

Transmitted herewith for your approval is legislation related to the Green Fueling Stations, a joint project with Monroe County. This legislation will:

1. Authorize an amendatory agreement with Monroe County for additional design and the construction of the Green Fueling Station at the City's Central Vehicle Maintenance Facility (CVMF) at Mt. Read Boulevard;
2. Authorize the issuance of bonds totaling \$425,000 and the appropriation of the proceeds thereof to finance design and construction costs; and
3. Amend the 2010-11 Budget by transferring \$200,000 from the Refuse fund and \$100,000 from the Local Works fund to Cash Capital to partially finance project construction.

The City and the County are jointly participating in the design and construction of two fueling facilities; one will be built at CVMF and owned by the City; the other will be built at the Frank E. VanLare Wastewater Treatment Plant, and owned by the County. The agreement allows for shared use of the facilities. The total project estimate is \$5,314,000; the cost will be shared by both governments.

The primary source of financing is a \$4.251 million Federal Transportation Improvement Program Congestion Mitigation and Air Quality (CMAQ) grant, administered by the County. In addition, the County will contribute \$478,350, and the City's share is \$584,650. The CVMF project includes additional features that the City must fund at 100%.

The County retained Barton & Loguidice, P.C. for design, construction administration, and resident project representation services for the project. The CVMF facility is scheduled for construction in August 2011 with completion in Spring 2012. The VanLare fuel facility will be completed in late 2012.

The project will provide for new underground and above-ground fuel tanks for conventional and alternative fuels, dispensing systems, supply lines, fuel lanes, fire suppression systems, fuel management systems and associated software, drainage, a spill containment system, and associated electrical work. The project also incorporates a temporary fueling system during construction to maintain fleet operations.

The total cost for the CVMF complex is estimated at \$3,000,000. The proposed debt issuance (\$425,000) will fund the City's required 20% CMAQ grant match for project design and construction. In February, \$300,000 was appropriated for remedial activities to address petroleum contamination ineligible for the CMAQ grant (Ord. No. 2011-36). The additional appropriations requested will fund activities not eligible for

the grant, including fuel island improvements, and construction contingency.

In November 2009 (Ord. No. 2009-382), Council authorized an agreement with the County for planning and design services, and the City's share of preliminary design costs, \$75,000 (Ord. No. 2009-383). The amendatory agreement requested herein will obligate the City to reimburse the County for its share of final design and construction, not to exceed \$1,100,000.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-158
(Int. No. 202)

Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations And Amending The 2010-11 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe for design and construction services for green alternative fueling stations to service municipal fleet vehicles. The City share of the Project shall not exceed \$3,000,000. Of said amount, not to exceed \$1,900,000 shall be funded from a Federal grant to the County, \$75,000 shall be funded from Bond Ordinance No. 2009-383, \$425,000 shall be funded from a bond ordinance adopted at this meeting, and \$600,000 shall be funded from the 2010-11 Cash Capital allocation as amended by Section 3 hereof and by Ordinance No. 2011-36.

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

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$300,000. \$200,000 is hereby appropriated from the Refuse Fund and \$100,000 from the Local Works Fund to fund design and construction services for green alternative fueling stations to service municipal fleet vehicles.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-159
(Int. No. 203)

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

\$425,000 Bonds Of Said City To Finance The Additional Cost Of The Design And Construction 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 additional cost of the design and construction of shared green alternative fueling stations at the VanLare Plant and the City's Central Vehicle Maintenance Facility (collectively, the "Project"). The City shall undertake a cooperative effort with the County of Monroe (the "County") to design, develop, construct 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 current total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is approximately \$5,314,000. The plan of financing includes the issuance of \$425,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$75,000 bonds appropriated in Ordinance No. 2009-383 and \$84,650 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. The County shall also contribute the sum of \$478,350 to the total estimated maximum cost and federal grant funds in the amount of \$4,251,000.

Section 2. Bonds of the City in the principal amount of \$425,000 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 \$425,000. 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.

Introductory No. 126A was severed from Int. No. 126 which appears with its transmittal letter on page 132 of the current Council Proceedings.

Local Improvement Ordinance No.1640
(Int. No. 126A, As Amended)

Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2011

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

Section 1. It is hereby determined that for 2011 the street malls on the following streets shall be maintained at least in accordance with minimal standards established by the Department of Environmental Services, in the following amounts:

Highland Parkway	\$ [770] <u>1,370</u>
Lakeview Park	[9,000] <u>6,600</u>
Total	\$[9,770] <u>7,970</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, 2011.

Section 4. The total cost of such improvements and work, estimated at \$[9,770] 7,970, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-160
Re: Width Changes - Dewey Avenue
And Driving Park Avenue Preventive
Maintenance Project

Transmitted herewith for your approval is legislation authorizing width changes to Driving Park Avenue for the Dewey Avenue (Driving Park Avenue to Eastman Avenue) and Driving Park Avenue (eastern RR bridge to Mt. Read Boulevard) Preventive Maintenance Project. The proposed changes are detailed in the accompanying legislation.

The project includes: milling and resurfacing of the pavement; isolated pavement repairs at deteriorated pavement sections; installation of pavement markings; spot hazardous sidewalk repairs; spot curb replacement; and modification of existing handicap ramps for compliance with current ADA guidelines.

The intent of the pavement width changes is to make the pedestrian crossings for the workers and visitors to the Driving Park Avenue businesses in the Ramona Street area safer.

Construction should start in Summer 2011 and be completed by Fall 2011.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-64

Ordinance No. 2011-160
(Int. No. 178)

Approving Changes In The Pavement Width Of Driving Park Avenue In The Vicinity Of Ramona 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 Driving Park Avenue, as a part of the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project:

- a. A decrease from an existing variable width of 44 feet to 51 feet to a width of 28 feet (a variable narrowing of 16 feet to 23 feet) from 106 feet west of Ramona Street to Ramona Street;
- b. A decrease from an existing width of 40 feet to a width of 25 feet (a narrowing of 15 feet) from Ramona Street to 90 feet east of Ramona Street;
- c. A decrease from an existing width of 40 feet to a width of 33 feet (a narrowing of 7 feet) from 90 feet east of Ramona Street to 310 feet east of Ramona Street;

- d. A decrease from an existing width of 40 feet to a width of 25 feet (a narrowing of 15 feet) from 310 feet east of Ramona Street to 378 feet east of Ramona Street.

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. 2011-161
Re: Width Changes - Capron Street
And South Avenue Extension
Improvement Project

Transmitted herewith for your approval is legislation authorizing the attached geometric changes on South Avenue Extension for the Capron Street and South Avenue Extension Improvement Project.

The project includes the rehabilitation of South Avenue extension and the reconstruction of Capron Street; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, and water mains, as required; and tree planting.

The intent of the pavement width changes is to allow for reverse angled parking and to create a traffic flow around the dead end of South Avenue.

The ability to install the requested geometrics is contingent upon receiving a Use and Occupancy permit from the New York State Department of Transportation. The western curbline of South Avenue extension currently encroaches on New York State right-of-way along and under the ramp leading to I-490 east. The installation of the proposed geometrics would increase the encroachment. A permit has been applied for and is currently under review.

Pending State approvals, construction is scheduled to begin this Summer and be completed in Fall 2011.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-65

Ordinance No. 2011-161
(Int. No. 179)

Approving Changes In The Pavement Width Of The South Avenue Extension From Woodbury Boulevard To Its Dead End

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

Section 1. The Council hereby approves the following changes in the pavement width of the South Avenue Extension, as a part of the Capron Street and South Avenue Extension Improvement Project:

- a. A decrease from an existing width of 18 feet to a width of 12 feet (a narrowing of 6 feet) from Woodbury Boulevard to 15 feet south of Woodbury Boulevard;
- b. An increase from an existing 18 foot width to a width of 20 feet (a widening of 2 feet) from the point above to 105 feet south of Woodbury Boulevard;
- c. A decrease from an existing width of 18 feet to a width of 12 feet (a narrowing of 6 feet) at 105 feet south of Woodbury Boulevard;
- d. A variable decrease from an existing variable width of 33 feet to 36 feet to a width of 33 feet (a variable narrowing of 0 to 3 feet) from the above point to Capron Street;
- e. A decrease from an existing width of 36 feet to a width of 13 feet (a narrowing of 23 feet) at Capron Street;
- f. An increase from an existing 35 foot width to a width of 44 feet (a widening of 9 feet), consisting of two 13 foot lanes divided by an 18 foot wide median, from Capron Street to 52 feet south of Capron Street;
- g. An increase from an existing 66 foot width to a width of 74 feet (a widening of 8 feet), consisting of two 13 foot lanes and two 20 foot parking stalls divided by an 8 foot wide median, from 52 feet south of Capron Street to 125 feet south of Capron Street;
- h. A decrease from an existing 66 foot width to a width of 54 feet (a narrowing of 12 feet), consisting of two 13 foot lanes and one 20 foot parking stall divided by an 8 foot wide median, from 125 feet south of Capron Street to 134 feet south of Capron Street;
- i. An increase from an existing 66 foot width to a width of 74 feet (a widening of 8 feet), consisting of two 13 foot lanes and two 20 foot parking stalls divided by an 8 foot wide median, from 134 feet south of Capron Street to 168 feet south of Capron Street;
- j. An increase from an existing 66 foot width to a width of 74 feet (a widening of 8 feet), consisting of two 13 foot lanes and one 20 foot parking stall divided by a 28 foot wide median, from 168 feet south of Capron Street to 197 feet south of Capron Street.

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. 2011-162
Re: Official Map Amendment -
Abandonment, Broad Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the proposed abandonment and subsequent sale of a portion of West Broad Street. The abandonment was referred to the necessary agencies for comment.

When the original Erie Canal was relocated south of the city, property owned by New York State was acquired by the City, and West Broad Street was constructed. Encroachments dating to the canal period remain, despite demolition of former buildings and the construction of a surface parking lot.

Nothnagle Realty and Cascade Triangle LLC have sought to improve a parking lot adjacent to the redevelopment of 217 West Main Street as the new Nothnagle headquarters. The improvements include the extension of a retaining wall and a decorative screening wall. The proposed abandonment of the West Broad Street right-of-way corrects an historic anomaly and ensures that the improvements are situated entirely on private property.

This legislation also approves the sale of the City-owned abandonment area to Cascade Triangle LLC for the sum of \$4,800. The cost was established from an independent appraisal by Pogel, Schubmehl & Ferrara, LLC on November 8, 2010.

The City Planning Commission, in its February 7, 2011 meeting, recommended approval of this abandonment by a vote of 6-0. Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-66

Ordinance No. 2011-162
(Int. No. 180)

Amending The Official Map By Abandonment Of A Portion Of West Broad Street And Authorizing Its 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 West Broad Street:

All that tract of parcel of land being part of Town Lot 242, of the 100 Acre Tract, Phelps and Gorham Purchase, situated in the City of Rochester, County of Monroe, State of New York and being more particularly described as follows:

Commencing at a point on the northerly right of way line of West Broad Street, said point being the southwesterly corner of lands owned by Cascade Triangle, LLC as described in Liber 10814 of Deeds at Page 131, said point also being located inside the building at #217 West Main Street, thence

- A) Easterly along the northerly right of way line of West Broad Street, being a curved line to the left, having a central angle of 0-06-20, a radius of 536.00 feet, and an arc length of 0.99 feet to the true point of beginning of this description, thence
 - 1) S 20-08-01 E along the easterly wall line of the building located at #217 West Main Street a distance of 3.36 feet to a point, thence
 - 2) N 84-30-16 E along the northerly edge of a concrete sidewalk a distance of 257.25 feet to a point, thence
 - 3) N 20-02-0 W along the southerly extension of the easterly boundary line of lands owned by Cascade Triangle, LLC a distance of 1.25 feet to a point on the northerly right of way line of West Broad Street, said point also being the southeasterly corner of lands owned by Cascade Triangle, LLC, thence
 - 4) S 84-48-41 W along the northerly right of way line of West Broad Street a distance of 231.15 feet to a point of curvature, thence
 - 5) Northwesterly along the northerly right of way line of West Broad Street, being a curved line to the right, having a central angle of 2-50-57, a radius of 536.00 feet, and an arc length of 26.65 feet to the point of beginning, containing

0.011 acres of land, as shown on a map prepared by James H. Missell & Associates dated October 20, 2010.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Engineer in his recommendations of December 27, 2010.

Section 3. Upon abandonment of the portion of West Broad Street as authorized herein, the Council hereby approves the sale of the City-owned abandonment area to Cascade Triangle LLC for the sum of \$4,800.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to return Int. No. 181 to Committee.

The motion was seconded by Councilmember Spaul

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 181
Re: Width Change - Akron Street
Group Improvement Project

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

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

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

Public meetings were held on April 8, 2010, December 16, 2010 and April 13, 2011; copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the May 17, 2011 Traffic Control Board meeting.

It is anticipated the design will be completed in Summer 2011. Construction will begin in Fall 2011 with substantial completion by Summer 2012.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 181

APPROVING AN INCREASE IN THE PAVEMENT WIDTH OF AKRON STREET FROM ATLANTIC AVENUE TO EAST MAIN STREET

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

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

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-163
Re: Keller Street Semi-Diverter Project

Transmitted herewith for your approval is legislation authorizing a decrease of 6 feet in pavement width on Keller Street, from 20 feet to 14 feet, beginning at a point 26 feet west of the center of Garnet Street to a point 53 feet east of the center of Garnet Street.

The Keller Street semi-diverter project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. In addition to the pavement width change, this project includes new curbs, a driveway apron, signs and sidewalk replacement in select areas. No additional right-of-way is required to accommodate the changes in pavement width.

This work is intended as a traffic calming device on this street commonly used as a cut-through.

A public meeting will be held on May 5, 2011. The meeting minutes will be forwarded to Council prior to the May 24 Council meeting. The pavement width changes were endorsed at the April 5, 2011 Traffic Control Board meeting.

The work will be included in the 2010 Resurfacing Program, with construction beginning in Spring 2011 with substantial completion by Fall 2011. The cost of the improvements is funded from the 2005-06 Cash Capital allocation of the Department of Environmental Services.

A public hearing on the pavement width change is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-67

Ordinance No. 2011-163
(Int. No. 182)

Approving A Decrease In The Pavement Width Of Keller Street At Garnet Street

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

Section 1. The Council hereby approves a decrease of 6 feet, from 20 feet to 14 feet, in the pavement width of Keller Street, beginning at a point 26 feet west of the center of Garnet Street to a point 53 feet east of the center of Garnet Street, as a part of the Keller Street Semi-Diverter 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. 2011-164,
- Ordinance No. 2011-165,
- Ordinance No. 2011-166,
- Ordinance No. 2011-167,
- Ordinance No. 2011-168,
- Ordinance No. 2011-169 and
- Ordinance No. 2011-170

Re: East Broad Street/Chestnut Street/Court Street Improvement Project

Transmitted herewith for your approval is legislation related to the East Broad, Chestnut and Court Street Improvement Project. This legislation will:

1. Establish \$600,000 as maximum compensation for an agreement with Clark Patterson Lee for Resident Project Representation (RPR) services;
2. Authorize the issuance of bonds totaling \$4,033,000 and the appropriation of the proceeds thereof to finance the cost of the street

improvements;

3. Authorize the issuance of bonds totaling \$608,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements;
4. Authorize the acquisition of portions of three parcels of land at from the Rochester Urban Renewal Agency (RURA) for dedication as street right-of-way. The parcels to be acquired for \$1 are portions of properties at 50 and 66 Broadway Street, and 414 East Broad Street as described on the attached map and legal descriptions;
5. Authorize an amendment to the RURA parking lot lease to reflect the loss of parking spaces resulting from the acquisitions above;
6. Authorize acquisition, by negotiation or condemnation, of five in-fee and two temporary easements for street purposes as part of the project; and
7. Authorize a change in the direction of traffic flow on East Broad Street between Broadway and Chestnut Street from one-way westbound to two-way.

Design of the project by Dewberry-Goodkind was authorized in October 2007 (Ord. No. 2007-387), and amended in August 2010 (Ord. No. 2010-304). After Dewberry-Goodkind closed their local office the design agreement for this project was transferred to Clark Patterson Lee. An amendatory agreement with Clark Patterson Lee was authorized in November 2010 (Ord. No. 2010-396). Pavement width changes within the project were approved by Council at the February 2011 meeting (Ord. No. 2011-34).

The project includes the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains, as required; and tree planting. A roundabout is proposed for the intersection of Court Street, Broad Street, Broadway, and Manhattan Square Drive. Converting Broad Street to two-way traffic within the project limits will improve traffic flow. It is anticipated that two-way traffic on Broad Street will be extended to the west as part of the infrastructure improvements related to the Midtown Redevelopment Project.

Bids for construction were received on April 19, 2011. The apparent low bid of \$4,211,163 was submitted by C.P. Ward, Inc. which is 6.3% more than the engineer's estimate. An additional \$251,300 will be allocated for project contingencies which include street lighting and acquisition costs.

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>Contingency</u>	<u>Total</u>
Street			
\$3,043,971	\$432,000	\$557,029	\$4,033,000
Water			
487,496	72,000	48,504	608,000
County Traffic			
679,696	96,000	68,304	844,000
Total			
\$4,211,163	\$600,000	\$673,837	\$5,485,000

Clark Patterson Lee was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project.

Property Acquisitions

The values of the acquisitions, listed below, were established by independent appraisals from Midland Appraisal Associates, Inc.

<u>Address</u>	<u>Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>	<u>Type</u>
131 Chestnut Street	Xerox Corporation	624 SF	\$10,600	Fee
100 Chestnut Street	RAM Properties, LLC	66 SF	\$1,125	Fee
100 Chestnut Street	RAM Properties, LLC	82 SF	\$120	Temporary Easement
131 Chestnut Street	Xerox Corporation	31 SF	\$500	Fee
100 Chestnut Street	RAM Properties, LLC	115 SF	\$1,955	Fee
100 Chestnut Street	RAM Properties, LLC	1804 SF	\$2,700	Temporary Easement
463 E Broad Street	Southeast Loop Area Three B Part 1A Houses, Inc	2015 SF	\$34,300	Fee

The parcels are required for construction of sidewalks, and the temporary easements are required to construct features related to the improvement project. The cost of the acquisitions, and the associated closing costs, will be financed from the proposed street improvement bond.

RURA parcels and lease

The parcels to be donated are currently leased to Benderson Development Company LLC under terms of a lease agreement approved by RURA Resolution 2008-7 and Rochester City Council Ordinance No. 2008-311. This legislation will authorize an amendment to that lease reducing the lease amount on a pro-rata basis, depending on the number of parking spaces lost to the project.

It is estimated that five or six spaces will be required for the project. The amended lease amount will become effective when the City of Rochester requires use of the land during project construction. All other terms of the lease agreement will remain unchanged.

A public hearing for the change in direction of traffic on Broad Street is required.

Construction is scheduled to begin in June 2011 and be completed in September 2012.

This project will result in the creation or retention of the equivalent of 6.5 full-time professional services jobs, and 45.8 full-time public works jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-68

Ordinance No. 2011-164
(Int. No. 204)

Establishing Maximum Compensation For A Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

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

Section 1. The sum of \$600,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Lee for resident project representation services for the East Broad Street/Chestnut Street/Court Street Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$432,000 shall be funded from a bond ordinance adopted for street purposes, \$72,000 shall be funded from a bond ordinance adopted for water purposes, and \$96,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-165
(Int. No. 205)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,033,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The East Broad Street/Chestnut Street/Court Street Improvement Project

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

Section 1. The 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 and related public improvements as a part of the East Broad Street/Chestnut Street/Court 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 \$4,033,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$4,033,000 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 \$4,033,000 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 author-

ization 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. 2011-166
(Int. No. 206)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$608,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The East Broad Street/Chestnut Street/Court Street Improvement Project

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

Section 1. The 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 Broad Street/Chestnut Street/Court 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 \$608,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$608,000 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 \$608,000 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 \$608,000. 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. 2011-167
(Int. No. 207)

Approving An Amendment To The Lease By The Rochester Urban Renewal Agency Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

WHEREAS, the City Council, by Ordinance No. 2008-311 approved the lease by the Rochester Urban Renewal Agency (hereinafter called "Agency") to Benderson Development Company, Inc. (hereinafter called "Redeveloper") of several parcels collectively referred to as 52 Broadway (hereinafter called the "Parcel") in the Southeast Loop Urban Renewal Project, NYR-175, for parking lot use for three years, with two one-year renewal options; and

WHEREAS, portions of said Parcel are needed for the East Broad Street/Chestnut Street/Court Street Improvement Project; and

WHEREAS, the lease will be amended to reduce the size of the Parcel and reduce the amount of rent on a pro-rata basis, depending on the number of parking spaces lost.

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

Section 1. The Council hereby approves an amendment to the lease of said Parcel by the Agency to reduce the size of the Parcel and reduce the amount of rent on a pro-rata basis, depending on the number of parking spaces on the portions of the Parcel needed for the East Broad Street/Chestnut Street/Court Street Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-168
(Int. No. 208)

Authorizing The Acquisition Of Parcels 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 portions of the parcels at 50 Broadway, 66 Broadway and 414 East Broad Street from the Rochester Urban Renewal Agency for the sum of \$1.00 for the East Broad Street/Chestnut Street/Court Street Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-169
(Int. No. 209, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of Temporary Easements And Parcels For The East Broad Street/Chestnut Street/Court Street Improvement Project And Amending Ordinance No. 2010-133

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

Section 1. The Council hereby approves the acquisition of the following fees and temporary easements for street purposes as a part of the East Broad Street/Chestnut Street/Court Street Improvement Project:

Address	Owner	Sq. Ft.	Value	Type
131 Chestnut Street	Xerox Corporation	624 SF	\$10,600	Fee
100 Chestnut Street	RAM Properties, LLC	66 SF	\$1,125	Fee

100 Chestnut Street	RAM Properties, LLC	82 SF	\$120	Temporary Easement
131 Chestnut Street	Xerox Corporation	31 SF	\$500	Fee
100 Chestnut Street	RAM Properties, LLC	115 SF	\$1,955	Fee
100 Chestnut Street	RAM Properties, LLC	1804 SF	\$2,700	Temporary Easement
463 E Broad Street	Southeast Loop Area Three B Part 1A Houses, Inc	2015 SF	\$34,300	Fee

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$51,300, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from a bond ordinance adopted for street purposes for this Project.

Section 3. In the event that said fees and easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said fees and 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 fees and easements pursuant to the Eminent Domain Procedure Law.

Section 4. Ordinance No. 2010-133, relating to the acquisition of parcels and easements for the Mt. Hope Avenue Phase I Improvement Project, as amended, is hereby further amended by amending Section 1 thereof by reducing the square footage for the taking at 1256 Mt. Hope Avenue from 777 to 263, by amending Section 3 thereof by reducing the square footage for the temporary easement at 1256 Mt. Hope Avenue from 1852 to 560, by amending Section 6 thereof to change the amount of the acquisition costs from not to exceed \$2,393,000 to not to exceed \$2,335,200 and the amount of the closing costs from not to exceed \$141,000 to not to exceed \$198,800, and by amending Section 4 thereof to obligate the City to pay the amounts to owners or owners and tenants, and by amending the amounts for the following properties:

Owner	Amount
University of Rochester	\$461,800
Berkshire Rochester Ltd Part.	139,000
Mihalitsas Income Ltd Partnership	25,400
Jeffrey Solomon	132,800
Paul R. Dean, Jr.	6,900

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2011-170
(Int. No. 210)

Changing The Traffic Flow On East Broad Street From Broadway To Chestnut Street From One-Way Westbound To Two-Way

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 East Broad Street from Broadway to Chestnut Street from one-way westbound to two-way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
May 24, 2011

To the Council:

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

Int. No. 183 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

Int. No. 184 - Authorizing An Agreement With The County Of Monroe For Traffic Signal Pre-emption Maintenance

Int. No. 185 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Teen Court

Int. No. 186 - Authorizing An Agreement For The Operation Impact Warrant Initiative And Amending The 2010-11 Budget

Int. No. 187 - Establishing Maximum Compensation For A Professional Services Agreement For Youth Programs

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul (Abstained on Int. No. 185)
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-171
Re: Agreement - Frontier Telephone Of Rochester, 9-1-1 Telephone Maintenance

Transmitted herewith for your approval is legislation establishing \$165,000 as maximum annual compensation for a two-year agreement with Frontier Telephone of Rochester, Inc. for continued repair and maintenance of the telephone system at the Emergency Communications Center. The cost of this agreement will be financed from the 2011-12 and subsequent annual budgets of the Emergency Communications Department.

The telephone system for the Emergency Communications Center was installed by Rochester Telephone Corporation (Frontier's predecessor) under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the Center. The most recent agreement for these services was approved by City Council on April 15, 2008 in Ordinance No. 2008-158.

Under the agreement, Frontier will continue to:

1. Perform preventive maintenance monthly, including the analysis of power supply voltages, circuit modules, internal data links and system alarms;
2. Test on-site and off-site backup systems semiannually;
3. Perform unscheduled service as required, including diagnosis, adjustment, repair or replacement of equipment and systems;
4. For a critical system outage, contact the City within 30 minutes of notification and be on site within two hours of the contact;
5. For a major system outage, contact the City within 30 minutes of notification and be on site within four hours of the contact; and
6. For a system malfunction, respond within 24 hours of notification.

The cost of this proposed agreement will be reimbursed by Monroe County under the 9-1-1 operating agreement authorized by the City Council on June 20, 2007.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-171
(Int. No. 183)

Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

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

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Frontier Telephone Company for repair and maintenance of the telephone systems at the 911 Emergency Communications Center for a term not to exceed two years. Said amount shall be funded from the 2011-12 and subsequent Budgets of the Emergency Communications Department, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-172
Re: Agreement - Monroe County, Traffic Signal Pre-Emption Equipment Maintenance

Transmitted herewith for your approval is legislation establishing \$18,600 as maximum annual compensation for a five-year agreement with Monroe County to provide annual maintenance and repair of traffic signal pre-emption equipment. The cost will be financed from the annual Budget of the Fire Department beginning with 2010-11.

The pre-emption system enables emergency vehicles to change traffic signals in order to clear an intersection when necessary. This reduces response times and increases safety for vehicles approaching the intersection. This equipment was purchased by the Rochester Fire Department approximately seven years ago and was installed at 337 intersections throughout the city. The equipment is no longer under warranty and the County has agreed to continue routine maintenance of the equipment which is installed in County-owned traffic signals.

The agreement will be for five years starting as of January 1, 2011, with the option of five five-year renewals.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-172
(Int. No. 184)

Authorizing An Agreement With The County Of Monroe For Traffic Signal Pre-Emption Maintenance

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

Section 1. The Mayor is hereby authorized to

enter into an agreement with the County of Monroe for the maintenance and repair of traffic signal pre-emption equipment within the City. The agreement shall extend for a term of five years beginning January 1, 2011, with five additional five-year renewals upon mutual consent.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$18,600 annually, and said amounts shall be funded from the 2010-11 and subsequent Budgets of the Rochester Fire Department, contingent upon the adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-173
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 2010-11 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of January 1, 2011-December 31, 2011.

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
- New York Bar Foundation
\$2,500
- Monroe County Bar Assn. Foundation
\$9,000
- Young Lawyers - Monroe County Bar Assn.
\$4,000

- 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, this will be the last year of transitional funds. Other funders will take on full financial responsibility after this year.

A project description and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-69

Ordinance No. 2011-173
(Int. No. 185)

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 2011. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - Councilmember Conklin - 1.

Councilmember Spaull abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-174
Re: Agreement - New York State Division Of Criminal Justice Services Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of a grant of up to \$15,000 for the Operation Impact Warrant Initiative and amending the 2010-11 Budget of the Police Department to reflect the grant.

The Warrant Initiative is a special award of \$15,000 to reimburse the City for overtime for research and vetting of warrants to be issued, and overtime for conducting joint details along with

the Monroe County Sheriff's Office and Office of Probation and Community Corrections to target violent felons, persistent offenders and sex offenders in order to get these criminals off the street. The term for use of these funds is May 1, 2011 through October 31, 2011. The City received funding from DCJS for a similar initiative in 2010.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-174
(Int. No. 186)

Authorizing An Agreement For The Operation Impact Warrant Initiative And Amending The 2010-11 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for the Operation Impact Warrant Initiative.

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

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police department by the sum of \$15,000, which amount is hereby appropriated from the 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. 2011-175
Re: Agreement - Baden Street Settlement Of Rochester, Inc.

Transmitted herewith for your approval is legislation establishing \$81,088 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc. to provide a program coordinator for the After School in the Parks and the summer Art Smart Camp programs, and youth employment and payroll services for the Junior Recreation Leaders and Biz Kid\$ Real participants. The cost of the agreement will be funded from the 2010-11 (\$32,000) and 2011-12 (\$49,088) budgets of the Department of Recreation and Youth Services.

After School in the Parks is a fee-for-service program offered by the City. The program provides care from 3-6:30 pm, Monday-Friday, for

35 city students between the ages of 6 and 13 at a cost of \$55 per week. The program also offers care during both the February and April school recess weeks from 9 a.m. to 5 p.m. for \$115 per week. Art Smart Camp is a nine week, full-day summer camp program with capacity for 60 participants. The cost per participant per week is \$85. Both programs are held at Lake Riley Lodge.

The program coordinator position is currently a ten-month Baden employee and two-month (summer) City seasonal employee. This agreement will provide funds for a year-round position at Baden. The Coordinator will be responsible for the following services at both sites: program development and oversight, staff recruitment and training, coordination with FoodLink and other agencies including licensing agencies, contact with parents, and direct child care service coverage for staff absences. Total cost of this position, including salary, fringe and administrative costs, is \$48,115.

The Bureau of Recreation operates Biz Kid\$ Real and the Junior Recreation Leadership work readiness programs. Biz Kid\$ is an entrepreneurial program that teaches basic business skills and encourages youth enterprise. Biz Kid\$ Real is an extension of the program that provides in-depth entrepreneurial education and experience. Since 2001, the Jr. Recreation Leader Program has provided job readiness for fifteen City youth ages 14 and 15. For both programs, youth are trained and complete six-month internships and are then hired as part-time youth employees during the summer. Baden will provide payroll services for 21 youths aged 14 and 15 participating in these programs. Total cost for these services is \$32,973.

The term of this agreement will be June 25, 2011 to June 24, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-175
(Int. No. 187)

Establishing Maximum Compensation For A Professional Services Agreement For Youth Programs

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

Section 1. The sum of \$81,088, or so 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 program coordinator for the After School in the Parks Program and the Summer Art Smart Camp at Lake Riley Lodge and for youth employment and payroll services for the Junior Recreation Leader and Biz Kid\$ Programs. Of said amount, \$32,000 shall be funded from the 2010-11 and \$49,088 from the 2011-12 Budgets of the Department of

Recreation and Youth Services, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nay - None - 0.

Councilmember Spaul abstained.

The meeting was adjourned at 8:50 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL MEETING
JUNE 7, 2011

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

Absent - None - 0.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-176
Re: Voluntary Retirement Incentive Plan

Transmitted herewith for your approval is legislation authorizing the implementation of a one-time Voluntary Retirement Incentive Plan (VRIP) to minimize the impact of impending layoffs resulting from personnel eliminations in the proposed 2011-12 Budget and to encourage future savings in the form of workforce restructuring. Increasing pension and health care costs accompanied with reduced revenues from State Aid and other sources have created a need for the City to address on-going structural deficits. The VRIP is expected to produce opportunities not only for workforce reduction but also opportunities for improving diversity amongst the City's workforce, primarily in the Police and Fire Departments.

Under the terms of this VRIP, participants eligible to retire with a minimum defined years service would receive a one-time lump sum payment of \$15,000 upon retirement in addition to

their requisite payments for accumulated vacation or other time banks in accordance with their applicable collective bargaining agreement or employment terms. Terms of the incentive have been negotiated with the Locust Club, IAFF, and AFSCME and corresponding Memorandums of Agreement have been executed contingent upon approval of this VRIP by Council. The required years of service and estimate of the number of eligible individuals are shown below. The City has made its best effort to determine the number of individuals eligible. However, there may be additional individuals with prior service credit from other municipalities.

<u>Group</u>	<u>Years of Service</u>	<u>Estimated Employees Eligible</u>
Civilian – AFSCME, APT, Confidential, etc.	30 years	80
Fire	30 years	26
Police	25 years	59

Upon City Council approval, the Bureau of Human Resource Management (BHRM) will conduct an information campaign to employees indicating the eligibility requirements and the process for applying for retirement and the lump sum incentive payment. Arrangements are being made with the New York State Retirement System to conduct special informational meetings for employees regarding the retirement application process and benefits.

The “election period” during which an employee will be able to file notice of their intended retirement and irrevocable letter of resignation is expected to begin immediately following the BHRM information campaign. Eligible civilians will be required to apply for the incentive and file for retirement during the election period of June 9 - June 30, 2011. The “open period” for civilians during which retirement must occur is between July 9, 2011 and July 29, 2011. The election period for Fire and Police will be June 15 - September 14, 2011 with an open period of September 15 - October 14, 2011. The incentive will expire on July 1, 2011 for civilians and on September 16, 2011 for Fire and Police. Implementation of the VRIP shall have no precedential effect.

In an effort to address succession planning, Department Heads may appeal to the Mayor for a deferral of retirement through June 30, 2012 for individuals in civilian positions deemed to be “mission critical.” Upon evaluation and approval by the Mayor, individual agreements may be executed for these employees, allowing them to access the lump-sum incentive but extend their required retirement effective date. This exception will be available for civilian positions only, and is intended for extremely limited use in unique circumstances.

The anticipated total cost of the VRIP, including the incentive award and payments for time banks, is approximately \$7.4 million. This one-time expense will be funded primarily through the use of the Retirement Reserve Fund as provided by

Section 6-42 of the City Charter. The current fund balance in the Retirement Reserve Fund is approximately \$16.4 million.

Detailed information regarding participation and expenses will be provided to Council for the civilian VRIP in August 2011, and for uniformed employees in November 2011. Once final participation and subsequent costs are determined, it will be necessary to amend the Budget to transfer funds from the Retirement Reserve Fund. It is also anticipated that the City will provide a preliminary report on the future savings realized as a result of the VRIP in November 2011, with a final report available in May 2012.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2011-176
 (Int. No. 213)

Authorizing A Voluntary Retirement Incentive Plan

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

Section 1. The Council hereby authorizes the Mayor to establish a Voluntary Retirement Incentive Plan to minimize the impact of impending layoffs resulting from personnel eliminations in the proposed 2011-12 Budget and to encourage future savings in the form of workforce restructuring. Participants eligible to retire with the following minimum years of service shall receive a one-time lump sum payment of \$15,000 upon retirement in addition to their requisite payments for accumulated vacation or other time banks in accordance with their applicable collective bargaining agreement or employment terms:

<u>Group</u>	<u>Years of Service</u>
Civilian – AFSCME, APT, Confidential, etc.	30 years
Fire	30 years
Police	25 years

Eligible civilians shall be required to apply for the incentive and file for retirement between June 9, 2011 and June 30, 2011, and retire between July 9, 2011 and July 29, 2011. Sworn members of the Fire and Police Departments shall be required to apply for the incentive and file for retirement between June 15, 2011 and September 14, 2011, and retire between September 15, 2011 and October 14, 2011. The incentive shall expire on July 1, 2011 for civilians and on September 16, 2011 for sworn members of the Fire and Police Departments. Implementation of the Voluntary Retirement Incentive Plan shall have no precedential effect. The Mayor may allow for deferral of retirement until no later than June 30, 2012 for civilian positions deemed to be mission critical through a request from a Department Head, but application for the same must be made between June 9, 2011 and June 30, 2011.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-177
Re: Bond Authorization - Rochester
School District Facilities
Modernization Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$29,000,000 to finance portions of the Phase I Projects of the School District Facilities Modernization Program (FMP), including: preliminary engineering and design work, program management services, and related and ancillary costs pertaining to the school building projects. The FMP is directed by the Rochester Joint Schools Construction Board.

This legislation is contingent upon:

- New York State legislation exempting any debt issued for the Facilities Modernization Program being considered "debt" for purposes of the Maintenance of Effort legislation; and
- Receipt of a resolution from the Board of Education that includes:
 - Authorization of bonds in the same amount for the FMP
 - Obligation of the District to pay the debt service and any interest
 - Obligation of the District to repay the bonds

The Rochester Joint Schools Construction Board (RJSCB) was created by Chapter 416 of the Laws of 2007 of the State of New York for the design ("the Act"), reconstruction, or rehabilitation of school buildings (collectively, the "Phase I Projects"). The legislation provided for a maximum cost and bond authorization of up to \$325 Million.

The Phase I Projects include the following 12 buildings and a District-Wide Technology Project: Charlotte High School; East High School; Edison Technical High School; Enrico Fermi School No. 17; Franklin High School; Henry Hudson School No. 28; Helen Barrett Montgomery School No. 50; James P.B. Duffy School No. 12; James Monroe High School; John Williams School No. 5; Thomas Jefferson High School; and World of Inquiry School No. 58.

Bond Anticipation Notes (BANs) to be issued by the City will mature before or at the legally maximum period of one year. This will provide temporary financing to pay costs for the Facilities Modernization Program until the long-term fi-

ancing bonds are issued (within the parameters of the Act). At that time the New York State Education Department will have determined the amount of State Building Aid to be reimbursed on these projects, and the timing and amount of that annual inflow of aid can be matched more closely to the debt service payments on long-term bonds. It is anticipated that the Rochester Joint Schools Construction Board will issue bonds through COMIDA, and those proceeds will be used to pay off the BANs proposed herein.

All costs related to issue the bonds and interest, as well as repayment of the bonds, will be the responsibility of the District.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-177
(Int. No. 243, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$29,000,000 Bonds Of Said City To Finance The Preliminary Costs Of Reconstruction Of Various Public School Buildings Within The City As Part Of The Rochester City School District Facilities Modernization Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance portions of the Phase I Projects of the Rochester City School District Facilities Modernization Program (FMP), including, but not limited to preliminary engineering and design work, program management services, and related and ancillary costs relating to the reconstruction of public school buildings within the City. A list of specific improvements at specified schools included in Phase I shall be filed in Office of the Director of Finance. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated at \$29,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$29,000,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$29,000,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$29,000,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction (with the exception of School 58 which is of Class "B" construction) as defined by Section 11.00 a.11(a) and (b) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12(a)(1) and (2) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

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

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

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

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

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

Section 9. This ordinance shall be contingent upon approval of the bonding by the Board of Education of the Rochester City School District and approval by the State of an amendment to the Rochester School Facilities Modernization Program Act, Chapter 416 of the Laws of 2007, providing that payment of debt service on any bonds, notes or other obligations issued to finance projects undertaken pursuant to said Act shall not be considered debt service payments of the City School District for purposes of the Maintenance of Effort legislation, subdivision 5-b of section 2576 of the Education Law.

Section 10. 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.

Underlined material added.

Passed unanimously.

The meeting was adjourned at 12:50 p.m.

DANIEL B. KARIN
City Clerk

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
JUNE 14, 2011
5:30 P.M.

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

Absent - None - 0.

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

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

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 2011-12 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 259 4 speakers: Jeff Goldblatt, Bill Gerling, Alex White, Carolyn Lee-Davis.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012 Int. No. 263 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2011 And Expiring June 30, 2012 Int. No. 264 No speakers.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012, And Appropriation Of Sums Set Forth Therein Int. No. 260 3 speakers: David Fraser, Lori Thomas, Steve Rebholz.

The meeting was adjourned at 6:34 p.m.

Daniel B. Karin
City Clerk

* * * * *

REGULAR MEETING
JUNE 21, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Emergency Communications
Theresa Perkins
Fire Department
*Gregory J. Hart
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of May 24, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

None presented.

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Authorizing The Sale Of Cultural Center Commission And City Parcels To The University Of Rochester Int. No. 223 No speakers.

Amending The 2010-11 Consolidated Community Development Plan And Ordinance No. 2010-361 Relating To The Frederick Douglass Apartments Project Int. No. 233 No speakers.

Approving The Consolidated Community Development Plan/2011-12 Annual Action Plan Int. No. 247 No speakers.

Authorizing Amendatory Community Development Program Plans And Amending Ordinances Int. No. 250 No speakers.

Approving Changes In The Pavement Width Of Joseph Avenue, Clifford Avenue, St. Bridget's Drive, Genesee Street, Carter Street, And The Alignment Of The Carter Street And Portland Avenue Intersection As Part Of The Safe Routes To Schools Project Int. No. 237 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street Int. No. 238 No speakers.

Local Improvement Ordinance - Areaway Abandonment At 238-242 South Avenue As A Part Of The Capron Street And South Avenue Extension Improvement Project Int. No. 272 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 21, 2011

To the Council:

The Finance Committee recommends for adoption

the following entitled legislation:

Int. No. 214 - Amending The Municipal Code With Respect To The Designation Of Depositories

Int. No. 215 - Resolution Approving An Appointment To The Rochester Public Library Board Of Trustees

Int. No. 216 - Authorizing Competitive Grant Applications

Int. No. 217 - Establishing Maximum Compensation For An Amendatory Agreement For The Restoration Of A Mural

Int. No. 218 - Authorizing Extension Of An Amendatory Professional Services Agreement For Management Training

Int. No. 219 - Establishing Maximum Compensation For Professional Services Agreements For City Employee Training

Int. No. 220 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 221 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 245 - Approving The Commitment Of Reserve Funds

Int. No. 253 - Authorizing An Agreement For The Purchase Of Advertising

Int. No. 258 - Amending The 2010-11 Budget

Int. No. 259 - Adoption Of The Budget Estimates For Municipal Purposes For The 2011-12 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

Int. No. 260 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012, And Appropriation Of Sums Set Forth Therein

Int. No. 261 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012

Int. No. 262 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012

Int. No. 263 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012, As Amended

Int. No. 264 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2011 And Expiring June 30, 2012

Int. No. 265 - Amending The Municipal Code With Respect To Water Rates

Int. No. 266 - Local Law Amending The City Charter With Respect To The 311 Call Center

Int. No. 267 - Amending The Municipal Code With Respect To Special Events Parking And Fees For Marriages And Funding For The Arts, As Amended

Int. No. 268 - Resolution Approving The 2011-12 Debt Limit For General Municipal Purposes

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-178
Re: City Code Amendment - Depositories

Transmitted herewith for your approval is legislation amending the City Code to add First Niagara Bank to the list of financial institutions designated as depositories for City funds.

The designation by the City Council of depositories is required by section 6-22 of the City Charter and section 39 of the NYS General Municipal Law. The most recent designation change with respect to financial institutions occurred April 15, 2008.

Current designated depositories, and their respective allowable maximum deposit amounts, include:

JP Morgan Chase Bank, N.A.	\$250 million
HSBC Bank, USA	\$225 million
Bank of America	\$175 million
Manufacturers & Traders Trust Co.	\$150 million
Key Bank	\$150 million
Citizens Bank	\$150 million

As of its most recent Form 10-K, First Niagara's assets are \$21.083 billion with equity of \$2.765 billion. Adding First Niagara also enhances the City's competitive rate environment. The proposed maximum deposit limit to be established with First Niagara is \$150 million.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-178
(Int. No. 214)

Amending The Municipal Code With Respect To The Designation Of Depositories

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Section 8-9 of the Municipal Code, Designation of Depositories, as amended, is hereby further amended by adding the following depository to the end of the chart therein:

<u>Depository Name</u>	<u>Maximum Amount</u>
First Niagara Bank	\$150,000,000

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Haag abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-11
Re: Appointment - Rochester Public Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the appointment of M. Sharon Salluzzo, 211 Royal View, Pittsford, NY 14534, to the Rochester Public Library Board of Trustees. Ms. Salluzzo, a Trustee of the Reynolds Library, has been nominated by the President of the Reynolds Library as the Liaison Trustee to the RPL Board.

The Reynolds Library was incorporated in 1884 and merged with the Rochester Public Library in 1936. As specified by New York State, a seat on the RPL Board of Trustees is reserved for a member of the Reynolds Library Board of Trustees.

Ms. Salluzzo will replace Allen Spencer, who recently passed away. Her term will extend to December 31, 2015.

A copy of Ms. Salluzzo's resume is available for review in the Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2011-11
(Int. No. 215)

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 Sharon Salluzzo as the Reynolds Library Board representative on the Rochester

Public Library Board of Trustees for a term which shall expire on December 31, 2015. Ms. Salluzzo shall replace H. Allen Spencer, whose term has expired.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-179
Re: Competitive Grant Applications - Fiscal Year 2011-12

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2011-12. This legislation will help to streamline the process by which the City applies for competitive federal, state and private grants. Council has approved such grant applications annually beginning in 2007.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of state, regional and private grant opportunities that the City qualifies for as a municipality. Frequently, granting agencies require City Council endorsement as part of the application process. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

- The City is required to pay more than \$250,000 of the cost of the project in the form of operating capital;
- The award exceeds \$1,000,000, or in the case of a capital project, completion is required in one calendar year or less.

Reports on funds received will be presented to Council on request.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-70

Ordinance No. 2011-179
(Int. No. 216)

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 be in effect for the 2011-12 fiscal year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-180
Re: Amendatory Agreement -
Rochester Historical Society,
Mural Installation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Historical Society for the display at City Hall of an historic mural. The original agreement, authorized in August 2010, established maximum compensation of \$33,000 for the restoration and preservation of the mural entitled, *Col. Rochester's Arrival in the Genesee Valley*, painted by Carl Raschen. This amendment will increase compensation by up to \$3,000 to cover the cost of mounting and installing the mural. The additional cost will be funded from 2010-11 Cash Capital (Art Installations).

This mural is one of a series by several Rochester artists that originally hung in the Café DeLuxe in downtown Rochester in the 1920's. They were removed from the restaurant and donated to the Rochester Historical Society where they were re-discovered during the RHS move from their East Avenue location to the Rundel Library Building in 2009.

The first of the series to have been adopted for restoration, this 5 x 16 foot painting will be on permanent loan to the City. It is anticipated that it will be displayed in the lobby of the City Hall "A" building, and that installation will be complete by August 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-180
(Int. No. 217)

Establishing Maximum Compensation For An Amendatory Agreement For The Restoration Of A Mural

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 agreement between the City and the Rochester Historical Society for the restoration of a mural to be displayed at City Hall. Said amount shall be funded from the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-181
Re: Amendatory Agreement - Rochester
Business Alliance, Training Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Business Alliance for additional training services. The original agreement authorized in 2007 (Ord. No. 2007-120) established \$32,400 as maximum compensation for support of the City's Leadership Academy management program. Subsequent amendments in 2008 and 2009 added \$16,400 (Ord. No. 2008-03) and \$33,850 (Ord. No. 2009-103), respectively, for total maximum compensation of \$82,650. This amendment will extend the term of the agreement through June 30, 2012, and provide for a wider range of services. No additional funding is required since a total of \$27,000 remains available.

Under the original agreement, RBA was the City's partner in the City's Leadership Academy program. RBA provided meeting space, instructors, and supporting material. A total of 180 management employees have completed the program over the past four years.

This amendment will allow City employees to participate in the full catalog of training seminars offered by RBA, as well as ongoing management support for past Academy participants. Such training, at the recommendation of supervisors and input from Employee Development Plans, will be coordinated by the City's Office of Training and Safety.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-181
(Int. No. 218)

Authorizing Extension Of An Amendatory Professional Services Agreement For Management Training

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

Section 1. The Mayor is hereby authorized to enter into the extension of an amendatory professional services agreement between the City and the Rochester Business Alliance for support of the City's Leadership Academy and related professional development support programs for City staff through June 30, 2012.

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. 2011-182
Re: Agreement, Monroe 2-Orleans
BOCES Center for Workforce
Development, Workforce Training

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with the Monroe 2-Orleans BOCES Center for Workforce Development for the design and delivery of job skills training as identified through the City's Employee Skills Development program, and associated team building training in the Department of Neighborhood and Business Development. The cost of this agreement will be funded from the 2010-11 Budgets of the Bureau of Human Resource Management (\$7,500) and the Department of Neighborhood and Business Development (\$7,500).

For the past four years, BOCES has provided training in several workplace skill areas, including computer, business writing, office organization, and test taking strategies. In 2010-11, they delivered instruction to 240 employees through twenty courses and 102 instructional hours. In addition, they provided a pilot program of support and facilitation for the Commissioner's Office staff of NBD as part of its team approach to customer service.

This new agreement will allow the following training to be offered during 2011-12:

<u>Topic (anticipated)</u>	<u>Estimated Number Of Participants</u>
Business Writing	20
Business English	20
Office Organization Skills	20
Time and Task Management	20
Civil Service Test Taking	40
Conflict Resolution	30
Cross-Cultural Competency	20

Dealing with Difficult Behaviors	30
Basic Computer Skills	20
MS 2007 Office, Beginner and Intermediate	120
NBD Team Building: All units	150

The BOCES Center for Workforce Development is a reliable partner in the delivery of workplace skills. The services are delivered with a high level of customization and competency and have, to date, exceeded expectations.

Similar services were most recently authorized through Ordinance No. 2008-119.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-182
(Int. No. 219)

Establishing Maximum Compensation For Professional Services Agreements For City Employee Training

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with the Monroe #2-Orleans BOCES, Center for Workforce Development, for workforce skills and team training for City employees. Of said amount, \$7,500 shall be funded from the 2010-11 Budget of the Bureau of Human Resource Management and \$7,500 shall be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2011-183
Re: Agreement - Young Explosives
Corporation, Fireworks Displays

Transmitted herewith for your approval is legislation establishing \$47,000 as maximum compensation for an agreement with Young Explosives Corporation, Rochester, to provide fireworks displays. The cost of this agreement will be funded from the 2011-12 Budget of the Bureau of Communications (\$29,000) and the Rochester Events Network Trust Fund (\$18,000).

The firm will provide aerial fireworks displays on July 4, 2011 and December 31, 2011, and a ground fireworks display on December 3, 2011. The July 4 display will be the largest Independence Day show in the area, and will extend for about 20 minutes. The December 31 display will be part of the New

Year's Eve Celebration in downtown Rochester and will extend for about 18 minutes. Both displays will be launched over the Genesee River from the entrance ramp to route I-490 eastbound and the Genesee River Walk. The December 3 ground fireworks display will highlight the season opening of the Manhattan Square Park Ice Rink.

Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1 million of liability insurance. Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

The most recent agreement for these services was authorized by Ordinance No. 2010-176.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-183
(Int. No. 220)

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 \$47,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for fireworks displays. Of said amount, \$29,000 shall be funded from the 2011-12 Budget of the Bureau of Communications and \$18,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-184
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with The Puerto Rican Festival, Inc., Rochester, for the 2011 Puerto Rican Festival. The cost of this agreement will be financed from the 2011-12 Budget of the Bureau of Communications.

The Puerto Rican Festival Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing

Hispanic populations in New York State. This growth now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state. This year's festival will be held on August 5-7 at the Frontier Field VIP Parking Lot.

The Puerto Rican Festival, Inc. sponsors a variety of events, which serve to share and celebrate Puerto Rican culture. The largest event is the Puerto Rican Festival. Now in its 42nd year, it is the longest running cultural festival in Monroe County.

The festival is an annual three-day event, which averages a daily attendance of 8,000 people of all cultures and ethnic backgrounds. The City's sponsorship will support free admission for the first two hours each day and several free activities during the festival. It provides free children's activities, a boxing exhibition, free youth participation and performance showcase, and a free health fair on Saturday.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-184
(Int. No. 221)

Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Puerto Rican Festival, Inc. for the 2011 Puerto Rican Festival. Said amount shall be funded from the 2011-12 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-185
Re: Establishing Tax Relief and Retirement Reserves

Transmitted herewith for your approval is legislation authorizing the official commitment of funds for a Tax Relief Reserve and a Retirement Reserve in accordance with Government Accounting Standards Board (GASB) Statement 54 *Fund Balance Reporting and Government Fund Type Definitions* to assist in funding future projected budget deficits and retirement costs. These funds currently exist and are designated for these purposes, but changes in GASB require City Council action to officially commit these funds for the designated purpose.

The Tax Relief Reserve, formerly described as an

“available reserve”, will be used to assist in addressing future projected budget deficits. There will be approximately \$15.5 million available in the Tax Relief Reserve after the use of \$2.8 million in the Proposed 2011-12 Budget.

The Retirement Reserve will be used to help manage the projected dramatic increases in retirement costs and for the proposed retirement incentive. There will be approximately \$15.1 million available in the Retirement Reserve. It is anticipated that approximately \$7.4 million will be used for the proposed retirement incentive with the remainder used for future retirement requirements.

The changes requested herewith are in compliance with the new reporting requirements of Government Accounting Standards Board (GASB) Statement 54 *Fund Balance Reporting and Government Fund Type Definitions*. The objective of this Statement is to improve the usefulness, clarity, and transparency of government fund balance information through the use of clearer categories. The new reporting requirements exist for government funds and do not include proprietary or fiduciary funds. Implementation of the new reporting requirement will be instituted with the June 30, 2011 closing of the fiscal year.

Previous components of fund balance consisted of either funds categorized as Reserved or Unreserved. The new components of fund balance will be categorized as follows: Nonspendable, Restricted, Committed, Assigned or Unassigned. In May 2011, Council authorized the Director of Finance to “assign” items. The fund category of the Tax Relief and Retirement Reserves will be components of the “Committed” category and can only be used for specific purposes pursuant to constraints imposed by formal action of the government’s highest level of decision making authority.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-185
(Int. No. 245)

Approving The Commitment Of Reserve Funds

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

Section 1. The Council hereby approves the commitment of the Tax Relief Reserve for its designated purpose to assist in addressing future projected budget deficits. The Council hereby further approves the commitment of the Retirement Reserve to assist in managing projected increases in retirement costs and to fund the retirement incentive.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen

Ordinance No. 2011-186
Re: Agreement - Game Plan Marketing,
Advertising Buying Agent

Transmitted herewith for your approval is legislation authorizing an agreement with Game Plan Marketing (Pittsford, NY) to act as the City’s advertising buying agent. Compensation will include a \$10,000 annual retainer fee, to be paid from the Budget of the Bureau of Communications beginning in 2011-12. The agreement will provide for additional compensation of 15% of commissionable advertising expenses requested by the City. Broadcast advertising is commission-based; print and web-based advertising is not.

The City Communications Bureau is responsible for marketing and promoting a wide variety of City programs, events and services. The consultant will be the City’s advertising buying agent, procuring advertising on behalf of the City upon request. The consultant will, upon request, provide the following services:

- Provide detailed marketing plans and marketing planning and consultation;
- Negotiate the best possible value for the City’s advertising dollars;
- Order and reserve advertising on the City’s behalf
- Inform the Bureau of Communications of advertising specials and opportunities as well as media target market, ratings and rate sheet information.

A request for proposals was issued for these services in May, 2011. Responses were received from eight firms: Game Plan Marketing; C. Garbin & Associates (Rochester); Media Impressions (Penfield, NY); Butler/Till (Henrietta, NY); Dixon Schwabl (Victor, NY); Spin Marketing, Inc. (Rochester); On the Move Contracting Services (Webster, NY); and Media Connection (Pittsford, NY). Among other factors, Game Plan Marketing is recommended based on their ability to demonstrate that the City would receive individual, personalized staff attention and to provide a return on the City’s investment with added value and measurable results. The agency also demonstrated their willingness to meet with the City on an as-needed basis and flexibility in the preparation of marketing plans, offering to make revisions until all parties were satisfied.

In the last few years, the City has spent between \$150,000 and \$350,000 annually on advertising. Costs are covered by the departments using the advertising. Commissionable advertising is typically 30% of all City advertising, or around \$64,000 per year, which is the amount subject to the 15% commission to the agent. The term of this agreement will be for three years, with the option for one three-year renewal.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-186
(Int. No. 253)

**Authorizing An Agreement For The Purchase
Of Advertising**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with Game Plan Marketing
to act as the City's advertising buying agent for a
term of three years, with one three-year renewal
option.

Section 2. The agreement shall obligate the City
to pay an annual retainer of \$10,000, and commis-
sions where necessary and in accordance with local
customs and rates. The annual retainer shall be
funded from the 2011-12 and subsequent Budgets
of the Bureau of Communications, subject to adop-
tion of subsequent budgets, and the commissions
shall be funded from the annual budgets of the
departments requesting the advertising.

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-187
Re: Budget Amendment - Salary and
Wage Adjustments

Transmitted herewith for your approval is legisla-
tion amending the 2010-11 budget by:

1. Transferring \$6,050,000 from Contingency to
the budget of the Rochester Police Depart-
ment for salary and wages pursuant to the Lo-
cust Club arbitration award;
2. Transferring \$3,900,000 from Contingency to
the budget of the Rochester Fire Department
for salary and wages pursuant to the arbitra-
tion award for the International Association of
Fire Fighters, Inc. (IAFF);
3. Transferring \$1,625,000 from Contingency to
Undistributed to partially fund the fringe ben-
efits associated with settlement of the con-
tracts; and
4. Transferring \$230,000 from Contingency to
Cash Capital for the purchase of fire equip-
ment.

The increases to the RPD and RFD budgets are

necessitated by the recent settlements with the
Locust Club and IAFF respectively. When the
2010-11 Budget was adopted in June 2010, wage
rates had not yet been established for employees
represented by either collective bargaining unit.
Negotiations with both unions that began in 2008
were unsuccessful and led to the Police Locust
Club filing for impasse in December 2009 and the
City filing for impasse with IAFF in May 2010.

After brief attempts at mediation, the City and both
Unions proceeded with the interest arbitration
process. Several executive sessions in May 2011
resulted in a five-year award effective retroactively
from July 1, 2008 and extending to June 30, 2013.
The following salary increases for both unions were
approved:

<u>Effective Date</u>	<u>Percent Increase</u>
July 1, 2008	3.0%
July 1, 2009	3.0%
July 1, 2010	2.5%
July 1, 2011	1.0%
July 1, 2012	1.0%

In addition, the award for the Locust Club settled
several outstanding grievances with a one-time
lump sum payment of \$1,000 to each active unit
member. The total expected wage cost excluding
benefits of the Locust Club settlement for the three
retroactive years is \$10,930,700, of which
\$4,880,700 is available in prior year-end accruals,
leaving the balance of \$6,050,000 to be transferred
from Contingency.

The total expected wage cost excluding benefits of
the IAFF settlement for the three retroactive years
is \$6,855,700, of which \$2,955,700 is available in
prior year-end accruals, leaving the balance of
\$3,900,000 to be transferred from Contingency.

The total expected fringe cost for both settlements
consisting primarily of FICA and pension is
\$5,080,400. After applying prior year-end accruals
of \$1,282,700, the balance will be funded by both
the proposed transfer from Contingency to Undis-
tributed and 2010-11 savings within Undistributed
resulting from a lower February 2011 NYS retire-
ment system bill than expected. It is important to
note that the impact of the awards on the City's
pension bill should occur on the invoice due in
February 2013. Appropriate accrual of the incre-
mental pension cost of the wage settlement will be
made within the year-end financials.

In addition to the wage settlements for the Locust
Club and IAFF, a retroactive wage adjustment of
4% effective July 1, 2010 will be applied to APT
personnel. A transfer to the operating departments
is not required as sufficient funding for this wage
adjustment is available within the 2010-11 ap-
proved budget.

The increase to Cash Capital is to accelerate the
purchase of an additional fire pumper in support of
the Fire Department operational shift from the
Quint/Midi to an Engine/Truck operating model
scheduled for complete implementation by October
2011. To date, six pumpers have been acquired. A

total of seven are needed to fully implement the shift to the Engine/Truck model. The fire apparatus being replaced is between 15 to 20 years old and is due for replacement based upon a combination of age and use. The proposed transfer of \$230,000 will be combined with existing bond funds of \$102,000 to purchase the \$332,000 pumper.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-187
(Int. No. 258)

Amending The 2010-11 Budget

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$230,000 from the Contingency allocation to the Cash Capital allocation to fund the purchase of fire apparatus.

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$11,575,000 from the Contingency allocation to the following appropriations:

Police	\$6,050,000
Fire	3,900,000
Undistributed	1,625,000

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-188,
Ordinance No. 2011-189,
Ordinance No. 2011-190,
Ordinance No. 2011-191,
Ordinance No. 2011-192,
Local Improvement Ordinance No. 1641,
Ordinance No. 2011-193,
Local Law No. 6 and
Ordinance No. 2011-194

Re: 2011-12 Budget

Transmitted herewith for your approval is legislation relating to the 2011-12 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 assess-

ments for the Local Works program;

4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Downtown Special Services District (previously Downtown Guides)
 - f. Downtown Enhancement District
 - g. High Falls Improvement District
 - h. Atlantic Avenue Improvement District
 - i. St. Paul Street Streetscape
 - j. Upper East Alexander Refuse
 - k. ARTWalk District
5. Confirm the addition to the tax roll of various assessments, fees, and unpaid charges.
6. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2011-12 proposed budget of the City submitted to City Council on May 20, 2011 are summarized below:

1. Total appropriations of \$1,148,263,432 allocated for the City and the School District:

	<u>Proposed 2011-12</u>	<u>Amended 2010-11</u>
	Dollar <u>Difference</u>	Percent <u>Difference</u>
City	\$ 467,098,100	\$ 472,400,700
	\$ - 5,302,600	-1.1
School	<u>681,165,332</u>	<u>708,199,421</u>
	<u>-27,034,089</u>	-3.8
Total	\$1,148,263,432	\$1,180,600,121
	\$ -32,336,689	-2.7

Total non-tax revenue distributed between the City and the District:

	<u>Proposed 2011-12</u>	<u>Amended 2010-11</u>
	Dollar <u>Difference</u>	Percent <u>Difference</u>
City	\$421,451,170	\$ 429,867,395
	\$ - 8,416,225	-2.0

School		
568,020,332	595,054,421	
<u>-27,034,089</u>	<u>-4.5</u>	

Total		
\$909,471,502	\$1,024,921,816	
\$ -35,450,314	-3.5	

2. Total tax levies of \$167,149,400 for the City and City School District:

<u>Proposed</u> <u>2011-12</u>	<u>Amended</u> <u>2010-11</u>	
<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Difference</u>	
Tax Revenue		
\$158,791,930	\$155,678,305	
\$3,113,625	2.0	
Tax Reserve		
8,357,470	8,193,595	
<u>163,875</u>	<u>2.0</u>	
Tax Levy		
\$167,149,400	\$163,871,900	
\$3,277,500	2.0	

3. Total appropriations for the Local Works fund of \$18,599,100 and total assessments of \$18,347,900:

<u>Proposed</u> <u>2011-12</u>	<u>Amended</u> <u>2010-11</u>	
<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Difference</u>	
Street Maintenance		
\$ 4,374,042	\$ 4,400,124	
\$ - 26,082	-0.6	
Sidewalk Repair		
1,825,738	1,797,136	
28,602	1.6	
Roadway Plowing		
9,497,380	8,768,443	
728,937	8.3	
Sidewalk Plowing		
2,650,740	2,422,297	
<u>228,443</u>	<u>9.4</u>	
Total		
\$18,347,900	\$17,388,000	
\$959,900	5.5	

4. The budgets for security and snow removal at the Public Market were approved on March 22, 2011. The budgets for the East Avenue and Alexander Street Entertainment District, High Falls Business Improvement District, Downtown Special Services, Downtown Enhancement District, street lighting, street malls and Cascade and Norton Streetscapes were approved on April 26, 2011. The budget for the parking lots was approved on May 24, 2011. The assessments required are as follows:

<u>Proposed</u> <u>2011-12</u>	<u>Amended</u> <u>2010-11</u>	
<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Difference</u>	
Street Malls		
\$ 28,808	\$ 81,124	
\$ -52,316	-64.5	

Parking Lots		
71,294	74,366	
-3,072	-4.1	
Public Market		
38,477	38,477	
0	0.0	
Lighting and Sidewalks		
43,829	40,797	
3,032	7.4	
Open Space		
0	6,500	
-6,500	-100.0	
Downtown Special Services		
504,694	479,042	
25,652	5.4	
Downtown Enhancement		
562,200	557,500	
4,700	0.8	
High Falls		
25,000	25,000	
0	0.0	
Atlantic Avenue		
3,045	3,045	
0	0.0	
St. Paul Street Streetscape		
20,649	20,649	
0	0.0	
Upper East/Alexander Refuse		
20,532	17,930	
2,602	14.5	
ARTWalk District		
101,528	0	
101,528	100.0	

5. The proposed additions to the tax roll consist of the following charges:

<u>Proposed</u> <u>2011-12</u>	<u>Amended</u> <u>2010-11</u>	
<u>Dollar</u> <u>Difference</u>	<u>Percent</u> <u>Difference</u>	
Delinquent Refuse		
\$ 584,710	\$ 541,106	
\$ 43,604	8.1	
Delinquent Water		
6,521,015	6,900,745	
-379,730	-5.5	
Code Enforcement		
78,293	50,341	
27,952	55.5	
Supplemental and Omitted Taxes		
210,352	168,969	
41,383	24.5	
Local Improvements		
6,750	13,175	
-6,425	-48.8	
Encroachments		
4,350	4,400	
-50	-1.1	
Rehabilitation/Demolition		
243,043	160,077	
82,966	51.8	
Code Violations		
1,411,350	1,386,518	
24,832	1.8	
Arnold Park Monuments		
7,055	7,055	
0	0.0	

Case Management Fees	
377,225	0
377,225	100.0

- 6A. A local works increase is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$886,900 in local works revenue.
- 6B. A commercial refuse rate increase is proposed to assist in balancing the Refuse Fund. The proposed increase is expected to result in a net increase of \$88,000 in commercial collection revenue.
- 6C. A water rate increase is proposed to balance the Water Fund. The proposed increase is expected to result in a net increase of \$1,180,000 in revenue.
- 6D. Amend the City Code to increase the special event parking fee to increase the maximum allowed to charge from \$4 to \$5 resulting in a net increase of approximately \$21,400.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-188
(Int. No. 259)

Adoption Of The Budget Estimates For Municipal Purposes For The 2011-12 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, 2011 to June 30, 2012, providing for the expenditure of \$467,098,100, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2011-12 are hereby authorized to be expended and the sum of \$467,098,100 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk Administration	\$ 1,777,900
Neighborhood and Business Development	7,048,200
Environmental Services	13,321,900
Finance	78,179,700
Information Technology	9,015,600
Law	5,077,200
Library	1,782,100
Recreation and Youth Services	10,712,600
Emergency Communications	10,916,600
Police	13,268,800
	76,201,100

Fire	40,113,300
Undistributed Expenses	116,969,000
Contingency	17,713,400
Cash Capital	32,924,000
Debt Service	<u>32,076,700</u>
Sub-total	\$467,098,100
Tax Reserve	<u>2,402,470</u>
Total	\$469,500,570

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 2011-12 is hereby fixed and determined at \$421,451,170 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2011-12 providing for the raising of taxation on real estate for municipal purposes of the sum of \$48,049,400 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2011-12.

Section 6. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Ordinance No. 2011-189
(Int. No. 260)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012, 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, 2011 to June 30, 2012, providing for the expenditure of \$681,165,332, 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 2011-12 are hereby authorized to be expended and the sum of \$681,165,332 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$642,830,443
Cash Capital	10,463,099
Debt Service	<u>27,871,790</u>
Subtotal	681,165,332
Tax Reserve	<u>5,955,000</u>
Total	\$687,120,332

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2011-

12 is hereby fixed and determined at \$568,020,332 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2011-12 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, 2011.

Passed by the following vote:

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

Nays - Councilmember Conklin - 1.

Ordinance No. 2011-190
(Int. No. 261)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012

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

Section 1. The sum of \$48,049,400, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2011 and expiring June 30, 2012 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, 2011 and expiring June 30, 2012.

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, 2011 and expiring June 30, 2012.

Section 3. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Ordinance No. 2011-191
(Int. No. 262)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012

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, 2011 and expiring June 30, 2012 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, 2011 and expiring June 30, 2012.

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, 2011 and expiring June 30, 2012.

Section 3. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Councilmember Conklin moved to amend Int. No. 263.

The motion was seconded by Councilmember Palumbo

The motion was adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2011-192
(Int. No. 263, As Amended)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2011 And Expiring June 30, 2012

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, 2011 and expiring June 30, 2012 are hereby in all respects confirmed:

Street and Lot Maintenance	\$4,374,042.00	
Roadway Snow Removal	9,497,380.00	
Sidewalk Snow Removal	2,650,740.00	
Hazardous Sidewalk Repair	1,825,738.00	
Delinquent Refuse	584,709.83	
Delinquent Water Charges	6,521,015.25	
Supplemental Taxes	206,540.88	
Omitted Taxes	[3,810.91]	<u>6,294.55</u>
Street Malls	28,808.00	
Arnold Park Monuments	7,055.29	
Parking Lots	71,294.00	
Code Enforcements	78,292.85	
Code Violations	1,411,350.00	
Case Management Fees	377,225.00	
Local Improvements	6,749.53	

Downtown Enhancement	562,200.00	
Downtown Special Services	504,694.00	
Public Market Plowing	5,625.66	
Public Market Security	32,851.07	
Encroachment Fees	[4,350.00]	<u>4,375.00</u>
Rehabilitation Charges	243,042.66	
ARTWalk	101,528.36	
Lyell Avenue Street Lights - District I	2,445.72	
Lyell Avenue Street Lights - District II	2,706.44	
Wilson Blvd. Street Lights	589.79	
Blossom Road Lights	609.42	
East Main Street Lights	319.24	
Monroe Avenue Lights I	7,285.68	
Monroe Avenue Lights and Sidewalk II	9,612.14	
Norton Street District	4,236.79	
Cascade District	8,080.15	
Lake Avenue Lights	4,223.44	
High Falls Business Improvement District	25,000.00	
St. Paul Street Streetscape	20,649.38	
St. Paul Street Lighting	551.70	
Rundel Park Lighting	3,168.68	
Atlantic Avenue Landscape	3,045.12	
Upper East Alexander Refuse	20,532.00	

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Local Improvement Ordinance No. 1641
(Int. No. 264)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2011 And Expiring June 30, 2012

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, 2011 to June 30, 2012; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefited properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental

Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2011 to June 30, 2012:

- 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 2011-12 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 2011-12 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, 2011 shall be \$18,347,900 consisting of \$4,374,042 for street and lot maintenance, \$1,825,738 for sidewalk repair, \$9,497,380 for roadway snow removal and \$2,650,740 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, 2011 and June 30, 2012, 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, 2011

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, 2011.

Passed unanimously.

Ordinance No. 2011-193
(Int. No. 265)

Amending The Municipal Code With Respect To Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections A and C thereof to read in their entirety as follows:

A. Consumption rates.

(1) Consumption Charge; schedule of rates.

Gallons Consumed Per Month	Charge Per 1,000 Gallons
0 to 20,000	\$3.13
20,000 to 620,000	\$2.88
620,000 to 10,000,000	\$2.26
10,000,000 to 15,000,000	\$1.48
Over 15,000,000	\$1.26

(2) Base Charge.

Size Of Meter (Inches)	Charge Per Month
Up to ¾"	\$6.58
1"	\$35.25
1 ½"	\$52.21
2"	\$69.86
3"	\$174.62
4"	\$348.94
6"	\$523.08
8"	\$697.25
10"	\$871.56

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (Inches)	Charge Per Quarter
Up to 2"	\$36.71
4"	\$73.43
6"	\$144.49
8"	\$288.91
10"	\$426.52
12"	\$613.89

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (Inches)	Charge Per Quarter
Up to 4"	\$129.94
6"	\$173.18
8"	\$346.43
10"	\$510.95

(3) Holly high-pressure consumption charge.

Gallons Consumed Per Month	Charge Per 1,000 Gallons
0 to 20,000	\$6.26
20,000 to 620,000	\$5.76
Over 620,000	\$4.52

Section 2. This ordinance shall take effect on July 1, 2011.

Passed unanimously.

Local Law No. 6
(Int. No. 266)

Local Law Amending The City Charter With Respect To The 311 Call Center

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 6A-1, Office of Management and Budget, by deleting the following final sentence of the first unnumbered paragraph thereof:

The Budget Director shall be responsible for the operation and management of the 311 Call Center.

Section 2. 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 8D-1, Emergency Communications Department, by adding the following sentence to the end thereof:

The Emergency Communications Center Director shall be responsible for the operation and management of the 311 Call Center.

Section 3. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-194
(Int. No. 267, As Amended)

Amending The Municipal Code With Respect To Special Events Parking And Fees For Marriages And Funding For The Arts

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

Section 1. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending Subsection A(7) thereof by deleting the amount of the special events parking rate as set forth therein "of \$4" and by inserting in its place "not to exceed \$5".

Section 2. Section 5-10 of the Municipal Code, Marriage officers, as amended, is hereby further amended by deleting the amount of the fee for officiating at a marriage as set forth therein not to exceed "\$40" and by inserting in its place the fee not to exceed "\$50".

Section 3. Due to the budgetary difficulties faced by the City this year, the Council hereby waives for the 2011-12 fiscal year the requirement found in the City Arts Policy, adopted by Ordinance No. 2007-468, as amended by Ordinance No. 2009-224, that the City's Capital Improvement Program contain 1% funding for Art Installation and Enhancements.

Section 4. This ordinance shall take effect on July 1, 2011.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-12
Re: 2011-12 Debt Authorization

Transmitted herewith for your approval is legislation establishing the Debt Limit and Debt Rollover and Debt Extension amounts for the 2011-12 Budget.

2011-12 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 2011-12 is \$16,579,000.

Attached is the 2011-12 Debt Authorization Plan, which calls for borrowing of \$16,579,000 in tax supported funds. The Plan also includes an additional \$11,414,000 supported by the City's Enterprise Funds (Water and Parking).

Debt Rollover 2010-11 and 2009-10

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 authori-

zations 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.

2010-11: The Debt Limit for this year was \$16,339,000. Of that amount \$4,239,000 has been authorized, leaving a balance of \$12,100,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2010-11 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2009-10: The Debt Limit for this year was \$18,946,000. Of that amount \$12,024,000 has been authorized, leaving a balance of \$6,922,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2009-10 itemizes projects remaining for that year.

Time Limit Extensions for 2008-09, 2007-08, 2006-07 and 2005-06

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds, or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available. One-year extensions are requested for the following items based on programming and timing:

2008-09 Project

<u>Purpose</u>	<u>Amount</u>
T-3 Milling & Resurfacing street rehabilitation	\$1,099,000
G-8 East End Development street rehabilitation	126,000
T-2 Jefferson Avenue rehabilitation	350,000
F-2 Investigation and Remediation contaminated sites w/in city	655,000
G-8 Capron Street/South Avenue downtown development	886,000
G-7 Waterfront Planning acquisition	700,000
G-7 River Street Extension acquisition	486,000
T-2 Mt. Hope Avenue street rehabilitation	275,000
G-8 Riverpark Commons housing development	500,000
Total 2008-09 Extension	\$5,077,000

2007-08 Project

<u>Purpose</u>	<u>Amount</u>
G-8 Durand Eastman Park water quality improvements	\$120,000
F-2 Hazardous Waste Remediation contaminated sites w/in city	870,000

G-8 Historic Aqueduct Redevelopment Broad St. aqueduct renovation	324,000
F-2 Hazardous Waste Remediation Olean Kennedy	100,000
G-8 Inner Loop Improvements rehabilitation	480,000
F-2 Investigation and Remediation contaminated sites w/in city	545,000
F-2 Hazardous Waste Remediation Whitney & Orchard	2,000,000
T-2 Lawn Street street rehabilitation	261,000
G-3 La Avenida acquisition	377,000
Total 2007-08 Extension	\$5,077,000

2006-07 Project

<u>Purpose</u>	<u>Amount</u>
F-2 Hazardous Waste Remediation contaminated sites w/in city	\$61,000
F-2 Hazardous Waste Remediation Brooks Landing	100,000
Total 2006-07 Extension	\$161,000

2005-06 Project

<u>Purpose</u>	<u>Amount</u>
G-8 Historic Aqueduct Redevelopment Broad St. aqueduct renovation	\$387,000
G-8 Oak View Hill Development market rate housing infrastructure	865,000
T-2 Westfield Street Street rehabilitation	104,000
F-2 Hazardous Waste Remediation contaminated sites w/in the city	30,000
G-7 Waterfront Planning & Acquisition Port development	1,195,000
Total 2005-06 Extensions	\$2,581,000

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,
Thomas S. Richards
Mayor

Attachment No. AK-71

Resolution No. 2011-12
(Int. No. 268)

Resolution Approving The 2011-12 Debt Limit For General Municipal Purposes

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2011-12 to \$16,579,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2009-10 and 2010-11 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 2008-09 relating to milling and resurfacing, street rehabilitation for East End, Broad Street East-Chestnut Street, Jefferson Avenue and Mount Hope Avenue, hazardous waste remediation at contaminated City sites, downtown development near Capron Street-South Avenue, waterfront planning and acquisition, and housing development at Riverpark Commons; for fiscal year 2007-08 relating to water quality improvements at Durand Eastman Park, hazardous waste investigation and remediation at contaminated City sites including but not limited to Olean Kennedy and Whitney and Orchard, Historic Aqueduct Redevelopment, Inner Loop improvements, rehabilitation of Lawn Street, and La Avenida and acquisition, and for fiscal year 2006-07 relating to hazardous waste remediation at Brooks Landing and contaminated City sites, and for fiscal year 2005-06 relating to Historic Aqueduct Redevelopment, Oak View Hill Development, rehabilitation of Westfield Street, hazardous waste remediation at contaminated city sites, and waterfront planning and acquisition.

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

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

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Palumbo
June 21, 2011

To the Council:

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

Int. No. 222 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2009-300

Int. No. 224 - Appropriating Funds For Quadrant Planning

Int. No. 225 - Approving A Loan Agreement For The NOTA Special Needs Apartment Project

Int. No. 226 - Approving Consolidated Plan Rental Market Fund Programs And Amending The 2008-09 Community Development Plan And Ordinance No. 2009-106

Int. No. 227 - Approving Business Programs

Int. No. 228 - Approving Consolidated Plan Homeownership Promotion Fund Programs

Int. No. 229 - Amending Ordinance No. 2011-24 Relating To The Exterior And Security Rehabilitation Program

Int. No. 230 - Authorizing The Sale Of The Former Valley Court Site And Authorizing Subsidy Agreements

Int. No. 231 - Authorizing An Agreement For Economic Development Support Services

Int. No. 232 - Establishing Maximum Compensation For A Professional Services Agreement For A GIS Model

Int. No. 251 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinances No. 2008-86 And 2009-64

Int. No. 257 - Authorizing Agreements For The Emergency Shelter Grant Program

Int. No. 107 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Centers

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

Int. No. 223 - Authorizing The Sale Of Cultural Center Commission And City Parcels To The University Of Rochester

Int. No. 233 - Amending The 2010-11 Consolidated Community Development Plan And Ordinance No. 2010-361 Relating To The Frederick Douglass Apartments Project

Int. No. 244 - Approving Consolidated Plan Housing Development Fund Programs

Int. No. 247 - Approving The Consolidated

Community Development Plan/2011-12 Annual Action Plan

Int. No. 248 - Authorizing Submission Of The Consolidated Community Development Plan/2011-12 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 249 - Appropriation Of Funds For The City Development Fund

Int. No. 250 - Authorizing Amendatory Community Development Program Plans And Amending Ordinances

Respectfully submitted,
Carla M. Palumbo (*Abstained on Int. No. 226*)
Carolee A. Conklin
Dana K. Miller
Elaine M. Spaul (*Abstained on Int. No. 257*)
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-195
Re: Sale Of Real Estate and Amending Ordinance No. 2009-300

Transmitted herewith for your approval is legislation approving the sale of 16 properties and amending a prior ordinance.

Sale of Real Estate

With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the 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 nine parcels are vacant lots sold by proposal to the adjacent owner. There are six buildable vacant lots being purchased by Flower City Habitat for Humanity to build new single-family homes as part of the JOSANA development. The remaining three are all being purchased by adjacent owners who will combine these lots with their current parcels. For the Wilder St lot, the buyer will also enclose the property with a fence.

The last seven properties are unbuildable vacant lots; they are each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these sixteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,565.

All City taxes and other charges, except water charges, against properties being sold by the City

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

Amending Ordinance No. 2009-300
Ordinance No. 2009-300 authorized the sale of 324 Conkey Avenue; it was intended to include the sale of the adjoining unbuildable vacant lot at 312 Conkey Avenue. This amendment will authorize the sale of 312 Conkey Avenue to the purchaser of 324 Conkey Avenue. The two properties will be combined.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-72

Ordinance No. 2011-195
(Int. No. 222)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2009-300

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

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>	<u>Price</u>
Pt. of 12 Calihan Pk Pt. of 105.65-2-19	29x124 Generation Management of Rochester*	3,480	\$ 325
158-160 Campbell St 120.27-1-15	55x133 Flower City Habitat for Humanity**	7,315	\$ 500
397 Central Pk 106.59-2-13	40x120 Eva Colon	4,791	\$ 550
83-85 Eddy St 120.34-2-51	93x114 Flower City Habitat for Humanity	4,953	\$ 425
464 Jay St 105.83-1-20.1	53x85 Flower City Habitat for Humanity	4,505	\$ 425
316-320 Orange St 105.82-2-50	40x140 Flower City Habitat for Humanity	5,600	\$ 450
424 Orange St 105.82-3-58	50x140 Flower City Habitat for Humanity	7,000	\$ 475
116 Whitney St 105.82-2-61.1	79x159 Flower City Habitat for Humanity	8,301	\$ 525
241-243 Wilder St 120.26-2-36.1	81x164 Gary W. Lotta	13,068	\$2,000

* Board Members: Mercedes M. Vogt, President; Gerald J. Vogt, Treasurer

** Board Members: Thomas Rogers, Chairman; Russ Bullock, Vice Chairman; Jeffrey Lewis,

Treasurer; Tim Scahill, Secretary; Arthur Woodward, President & CFO

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>
124 Bartlett St 120.68-1-70	33x141 Erskine Lattimore	4,653
Pt. of 12 Calihan Pk 105.65-2-19	5x120 C.A. Money Penny & W.M. DeWolfe	600
47-51 Conkey Av 106.37-2-23	33x100 Shukri M. Amireh	3,400
644-648 Jay St 105.82-1-83	42x80 Juan Rivera	3,360
64.5 Quincy St 107.70-2-37.2	9x107 Shirley A. Malone	963
15 Watkin Ter 106.33-3-46	38x97 Loretta Wesley	3,920
Pt. of 47 Waverly Pl Pt. of 121.37-1-42	24x41 Stephen & Jeanne Bentivegna	1,016

Section 3. Section 1 of Ordinance No. 2009-300, authorizing the sale of real estate, is hereby amended to add the unbuildable vacant parcel at 312 Conkey Avenue to the sale of 324 Conkey Avenue:

<u>Address</u> <u>Use</u>	<u>Lot Size</u> <u>S.B.L.#</u>	<u>Price</u>
324 Conkey Av and 1 Family	80x125 091.77-3-25.1	\$400
312 Conkey Av Vacant Land	40x85 091.77-3-23.1	
Chenda Yok		

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-196
Re: Quadrant Planning

Transmitted herewith for your approval is legislation appropriating \$50,000 from the Improving the Housing Stock and General Property Conditions Allocation/Neighborhood and Asset Based Planning Fund of the 2010-11 Community Development Block Grant and \$50,000 from the Improving

the Housing Stock and General Property Conditions Allocation/Neighborhood and Asset Based Planning fund of the 2011-12 Community Development Block Grant for the Quadrant Planning and Project Program.

The 2010-11 and 2011-12 Consolidated Community Development Plan Annual Action Plans identified funding in the amount of \$100,000 (\$50,000 from each year) for planning and technical assistance to neighborhood and sector groups working with the Quadrant Teams on neighborhood planning and improvements projects.

The Quadrant Planning and Project Program will provide funding for Community Development Block Grant eligible planning, neighborhood promotion, neighborhood beautification and other small neighborhood projects. Each quadrant, and Downtown, has been allocated \$20,000.

Decisions on project funding will be made by the quadrant teams. The program limits qualified administrative expenses as approved by the Office of the Commissioner to no more than 9%.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-196
(Int. No. 224)

Appropriating Funds For Quadrant Planning

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset Based Planning allocation (Quadrant Planning and Project Program Account) of the 2011-12 Community Development Block Grant the sum of \$50,000 and from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset Based Planning allocation (Quadrant Planning and Project Program Account) of the 2010-11 Community Development Block Grant the sum of \$50,000, or so much thereof as may be necessary, to fund the Quadrant Planning and Project Program in the following amounts:

<u>Quadrant</u>	<u>Amount</u>
Northwest	\$20,000
Northeast	20,000
Southwest	20,000
Southeast	20,000
Downtown	20,000

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 im-

mediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 225.

The motion was seconded by Councilmember Spaul

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-197
Re: Agreement - DePaul Properties,
NOTA Special Needs Apartments
Project

Transmitted herewith for your approval is legislation authorizing a loan agreement in the amount of \$500,000 with DePaul Key Housing, Inc. for the Neighborhood of the Arts (NOTA), Special Needs Apartments project; and appropriating \$500,000 in HOME funds from the Rental Housing Fund of the 2011-12 Community Development Plan to finance the loan.

DePaul Properties is proposing a supportive living housing project at the corner of University Avenue and Elton Street. The project includes the rehabilitation of four existing buildings and the construction of a new 2-story building. Also, two existing houses on University Avenue that were built in 1900 will receive full exterior and interior renovations and will each have three one-person apartments. The completed project will offer a total of 46 rental units. The site, across the street from the George Eastman House, is on a major bus route with easy access to banks, shopping, restaurants, and museums.

A PILOT agreement for this project was authorized in November 2010 (Ord. No. 2010-390). Since then, DePaul Properties has secured a portion of the needed funding from New York State. The City funding will complete the financing package.

The project budget totals \$10.2 million. The HOME loan will be used for construction and permanent financing and will be offered as a 30 year loan, with 1% annual interest payments to be made with the principal deferred to the end of the loan term.

The project budget is as follows:

<u>Costs</u>	
Acquisition	\$ 2,350,000
Construction	4,867,242
Soft costs	1,734,008
Operating reserve	10,000

Developer fee	1,304,880
Total	\$10,266,130
<u>Sources</u>	
CPC Loan	\$ 5,865,000
Tax credit equity	2,535,865
HCR Homes for Working Families	656,064
OMH grant	200,000
City of Rochester Loan	500,000
City of Rochester Loan Interest	6,667
Income during rehab	118,437
Equity	384,097
Total	\$10,266,130

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

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-197
(Int. No. 225, As Amended)

Approving A Loan Agreement For The NOTA Special Needs 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 [DePaul Key Housing, Inc.] NOTA Special Needs Apartments, LP or an affiliated 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 rehabilitation of housing units as a part of the Neighborhood of the Arts (NOTA) Special Needs Apartment Project at 810, 816 and 822-832 University Avenue and 19 Elton Street. The funding shall be provided as a construction loan and permanent financing for a term not to exceed 30 years, with interest of 1% payable subject to the availability of cash flow, and principal payments 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 the Improving the Housing Stock and General Property Conditions Objective, Rental Housing allocation of the 2011-12 HOME Program.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-198
Re: Agreements and Appropriations -
2008-09, 2009-10, and 2011-12
Consolidated Community Development
Plans, Rental Market Fund

Transmitted herewith for your approval is legislation related to housing programs which will be financed from the 2008-09, the 2009-10, and the 2011-12 Consolidated Community Development Plans in order to fund services to landlords and tenants under the Rental Market Fund. Specifically this legislation will authorize agreements and appropriate a total of \$198,312 from the Community Development Block Grant (CDBG) to finance the cost of the agreements as follows:

1. Amend Ordinance No. 2009-106 by reducing the appropriation for Aging in Place by \$12,000 and transferring the same amount to the Rental Market Fund of the 2008-09 CDBG;
2. Establish \$172,312 as maximum compensation for an agreement with Legal Aid Society of Rochester, New York, Inc. for Landlord and Tenant Services, and appropriate that amount from the Rental Market Fund of the following CDBGs: \$12,000 from 2008-09; \$1,312 from 2009-10; and \$159,000 from 2011-12; and
3. Establish \$26,000 as maximum compensation for an agreement with Monroe County and The Housing Council in the Monroe County Area, Inc. for Tenant Education, and appropriate that amount from the Rental Market Fund of the 2011-12 CDBG.

The most recent legislation was passed by City Council in September 2010 (Ord. 2010-324). This appropriation is based upon funding of 2010-11. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

The activities undertaken by these agencies provide landlords with the knowledge to successfully maintain rental housing, and provide tenants with services that reestablish or attain stable housing situations. Services for landlords include seminars in business and legal operation of residential rental property and individual counseling. Tenants will receive education, and eviction prevention services.

The Rental Housing Fund supports the City Housing Policy objective to support efforts to strengthen the rental market. Program descriptions are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-73

Ordinance No. 2011-198
(Int. No. 226)

Approving Consolidated Plan Rental Market Fund Programs And Amending The 2008-09 Community Development Plan And Ordinance No. 2009-106

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for Rental Market Fund Programs:

Legal Aid Society of Rochester, NY, Inc.	\$172,312
The Housing Council in the Monroe County Area, Inc.	26,000

Section 2. The Programs in Section 1 shall obligate the City to pay an amount not to exceed \$198,312, and of said amount, or so much thereof as may be necessary, \$159,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Landlord Tenant Services Account) of the 2011-12 Community Development Block Grant, \$26,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Tenant Education Account) of the 2011-12 Community Development Block Grant, \$1,312 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program and \$12,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program. The Council hereby approves an amendment to the 2008-09 Community Development Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation, the sum of \$12,000 shall be transferred from the Aging in Place Home Modification Program Account to the Landlord Tenant Services Account.

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

Section 4. Ordinance No. 2009-106, relating to an agreement for the Aging in Place Home Modification Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$12,000, which amount is transferred and reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers

Conklin, Haag, McFadden, Miller, Ortiz, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Palumbo abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No.2011-199
Re: Community Development Block Grant - Business Programs

Transmitted herewith for your approval is legislation related to the City of Rochester's Business Programs. This legislation will appropriate a total of \$1,917,303 as follows:

1. Appropriate a total of \$1,333,569 from the Economic Stability allocation of the 2011-12 Consolidated Community Development Plan to fund business programs;
2. Appropriate and re-appropriate a total of \$583,734 from previous annual Consolidated Plans (2002-03 through 2009-10) for Business Programs, as summarized in separate legislation regarding the 2011-12 Consolidated Plan;
3. Authorize agreements necessary to implement the following specific programs; and
4. Authorize the Director of Finance to make adjustments to the reprogrammed amounts set forth below which may have changed prior to the date of this ordinance.

Funds will be allocated for programs as summarized below. Program descriptions are attached.

<u>Program</u>	<u>Amount</u>
<u>Consolidated Plan</u>	
ED Financial Assistance Loan and Grant Programs	
2002-03	\$ 9,315
2004-05	27,719
2007-08	265,672
2008-09	164,981
2009-10	<u>116,047</u>
Total: previous years	\$ 583,734
2011-12	\$ 240,183
Section 108 Loan Loss Reserve	
2011-12	300,000
Targeted Façade Improvement Program	
2011-12	350,000
Neighborhood Commercial Assistance Program	
2011-12	<u>443,386</u>
Total: 2011-12	<u>\$1,333,569</u>
Total for 2011-12 Business Programs	\$1,917,303

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AK-74

Ordinance No. 2011-199
(Int. No. 227)

Approving Business Programs

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

Section 1. There is hereby appropriated from the following accounts of the Community Development Block Grants the sum of \$1,917,303, or so much thereof as may be available and necessary, to fund the following programs:

<u>Account/Program</u>	<u>Consolidated Plan</u>	<u>Amount</u>
ED Financial Assistance Loan and Grant Programs		
	2002-03	\$ 9,315
	2004-05	27,719
	2007-08	265,672
	2008-09	164,981
	2009-10	116,047
	2011-12	240,183
Section 108 Loan Loss Reserve		
	2011-12	\$300,000
Targeted Façade Improvement Program		
	2011-12	\$350,000
Neighborhood Commercial Assistance Program		
	2011-12	\$443,386

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

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

Section 4. The Director of Finance shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-200
Re: Agreements and Appropriations - 2008-09, 2010-11, and 2011-12 Consolidated Community Development Plans, Homeownership Promotion Fund

Transmitted herewith for your approval is legisla-

tion related to housing programs that will be financed from the Homeownership Promotion Fund allocations of the 2008-09, 2010-11, and 2011-12 Consolidated Community Development Plans. This legislation will:

1. Appropriate \$100,000 from the Buyer Assistance allocation of 2010-11 HOME funds to finance down payment and closing costs assistance;
2. Appropriate \$335,000 from the Foreclosure Prevention allocations of the 2008-09 (\$75,000) and of the 2011-12 (\$260,000) Community Development Block Grants, and establish \$335,000 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc.;
3. Appropriate an additional \$40,000 from the Foreclosure Prevention allocation of the 2011-12 CDBG and establish that amount as maximum compensation for an agreement with the Empire Justice Center.

The Housing Council and Empire Justice Center will provide foreclosure prevention services as described in attached program description.

The appropriation of 2011-12 funds is based on the assumption that funding will be consistent with the amount received in 2010-11. Once the City's allocation is finalized, agreement amounts and terms will be adjusted accordingly. The most recent legislation was approved by Ordinance No. 2010-249 in July 2010.

The Homeownership Promotion Fund supports the City's Housing Policy objective to promote home ownership. Program descriptions are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-75

Ordinance No. 2011-200
(Int. No. 228)

Approving Consolidated Plan Homeownership Promotion Fund Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for Homeownership Promotion Fund Programs:

Down Payment/Closing Cost Assistance	\$100,000
The Housing Council in the Monroe County Area, Inc.	335,000
Empire Justice Center	40,000

Section 2. The Programs in Section 1 shall

obligate the City to pay an amount not to exceed \$475,000, and of said amount, or so much thereof as may be necessary, \$75,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program, \$300,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Foreclosure Prevention Account) of the 2011-12 Community Development Block Grant, and \$100,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Buyer Assistance allocation of the 2010-11 HOME Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-201
Re: Amendatory Agreement - NCS
Community Development Corporation,
Focused Investment Strategy

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with NCS Community Development Corporation to decrease maximum compensation by \$120,000, from \$1,232,000 to \$1,112,000. The original agreement for services related to the Focused Investment Strategy Program, Exterior and Security Rehabilitation Program (ESRP) for owner-occupants, Phase II was authorized by Ordinance No. 2011-24.

The ESRP program provides financial assistance to eligible owner-occupants for exterior repairs and lead-based paint hazard remediation. A significant work activity is expected to be window replacement. The City currently contracts with B&L Wholesale as its window provider for the Lead Hazard Control Program. Windows are purchased in bulk quantities which allows for a lower per unit cost. B&L Wholesale has agreed to extend their agreement to service properties enrolled in the ESRP.

In order to maintain a consistent billing system between the City and B&L Wholesale, the agreement with NCS Community Development Corporation will be reduced by \$120,000 to allow this funding to be used directly by the City to pay for the windows. It is has been estimated that properties enrolled in the ESRP will require approximately 20 new windows at a cost of \$140 each for a total of 40 properties, for a total of \$112,000; \$120,000 is being requested to account for unanticipated costs.

Respectfully submitted,

Thomas S. Richards
Mayor

Ordinance No. 2011-201
(Int. No. 229)

Amending Ordinance No. 2011-24 Relating To The Exterior And Security Rehabilitation Program

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

Section 1. Ordinance No. 2011-24, authorizing an agreement for Phase II of the Exterior and Security Rehabilitation Program as a part of the Focused Investment Strategy, is hereby amended by reducing the total amount authorized for the agreement with NCS Community Development Corporation, Inc. and the amount funded from the 2010-11 Cash Capital allocation by the sum of \$120,000, which amount shall be used by the City to purchase windows for the Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-202
Re: Sale of Real Estate and
Redevelopment - Valley
Court Site

Transmitted herewith for your approval is legislation relating to the sale of the former Valley Court site located at 1170 Genesee Street and four adjacent parcels located on Oak Hill View to Woodstone Custom Homes Inc. and the redevelopment of the sites into a new housing subdivision. Specifically, this legislation will:

1. Authorize the sale of five City-owned parcels to Woodstone Custom Homes Inc., Pittsford, New York, for the aggregate appraised value of \$155,000. An independent appraisal was completed on December 8, 2009 by Bruckner, Tillett, Rossi, Cahill, & Associates. The properties include: 1170 Genesee Street; and 53, 57, 63, and 69 Oak Hill View.
2. Establish \$885,000 as maximum compensation for an agreement with Woodstone Custom Homes Inc. for the construction of housing to be sold to purchasers who earn under 120% of Area Median Income (AMI). The cost of the agreement will be funded from 2008-09 Cash Capital.

Woodstone was selected from six proposals received in response to a request issued by the City. Woodstone's plan includes the construction of a new roadway with infrastructure and 29 single-family detached homes. The estimated sales price for the homes will be \$155,000. Four of the homes will be required to be sold to households that earn

under 120% of AMI.

The agreement with Woodstone will include the following allocations of funding:

- Construction cost financing \$765,000

This assistance obligates Woodstone Custom Homes to sell four of the homes to purchasers who fall at or below 120% of AMI.

- Subsidies for purchasers \$120,000

This amount will be made available to buyers who meet the 120% or below AMI requirement. Subsidy amounts will be determined on a sliding scale, based on ability to obtain a mortgage.

The new development will increase the taxable assessment by approximately \$4.5 million dollars and the tax base by \$90,000.

Design will begin in Summer 2011, with road construction to begin in late 2011 or early 2012 and home construction/sales by mid-2012. The build-out and sales are expected to be complete by mid-2015.

Upon completion of the project, Woodstone Custom Homes Inc. will deed the roadway to the City.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-76

Ordinance No. 2011-202
(Int. No. 230)

Authorizing The Sale Of The Former Valley Court Site And Authorizing Subsidy Agreements

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 at the former Valley Court site to Woodstone Custom Homes Inc. for the sum of \$155,000 for the redevelopment of the site into a new housing subdivision:

<u>Address</u>	<u>SBL No.</u>
1170 Genesee Street	135.50-2-25
53 Oak Hill View	135.50-2-17
57 Oak Hill View	135.50-2-16
63 Oak Hill View	135.50-2-15
69 Oak Hill View	135.50-2-14

Section 2. The Mayor is hereby authorized to enter into an agreement with Woodstone Custom Homes Inc. for the creation of affordable housing units at the former Valley Court site. The agreement shall obligate the City to pay an amount not to exceed \$765,000, and said amount, or so much thereof as may be necessary, shall be funded from

the 2008-09 Cash Capital allocation.

Section 3. The Mayor or his designee is hereby further authorized to enter into purchase price subsidy agreements with qualified purchasers of homes at the former Valley Court site. The agreements shall obligate the City to pay an amount not to exceed \$120,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Cash Capital allocation.

Section 4. 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 by the following vote:

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

Nays - Councilmember Haag - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-203
Re: Agreement - Greater Rochester Enterprise, Economic Development Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Greater Rochester Enterprise (GRE) to provide services related to attracting businesses to the City of Rochester. The agreement will be financed from the Fund for the City's Future, and will have a term of one year, expiring on June 30, 2012.

This past year, GRE has assisted in bringing several out-of-state leads to the City of Rochester for development. They also support entrepreneurship and innovation within our community. Efforts continue at assisting three high-tech businesses (Quintel Technology, Omni-ID and Intrinsic Materials) at Eastman Business Park, as well as continual efforts to attract other development opportunities to our community.

GRE collaborates with government leaders, businesses, universities, as well as not-for-profit organizations to help ensure a united approach to economic development within the city and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the City, to connect businesses to City resources, and to lead initiatives, as appropriate, to increase resources for new business establishments.

Terms of the agreement are similar to last year's agreement and will include the following expectations, among others:

- Work with the Rochester region's economic development partners to attract businesses lo-

cated outside the region to the City of Rochester.

- Deliver at least fifteen out-of-region business attraction opportunities that can include sites located within the City of Rochester.
- Include and reference the City of Rochester prominently in all marketing content it develops to promote the Greater Rochester/Finger Lakes region, including but not limited to www.RochesterBiz.com, quarterly newsletters, presentations delivered to local business groups, and capstone presentations delivered to out-of-region companies.

The most recent annual agreement was authorized by City Council in November 2010 through Ordinance No. 2010-391.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-203
(Int. No. 231)

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. 2011-204
Re: Agreement - Bergmann Associates, P.C.
3D GIS Spatial Model of Center City

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with Bergmann Associates, P.C. for the development of a 3D GIS spatial model of Center City. The cost of the agreement will be financed from the 2010-11 Budgets of the Departments of Neighborhood and Business Development (\$68,000) and Environmental Services (\$12,000).

The study area includes the Center City District (CCD), which is generally defined as the area within, and immediately surrounding, the Inner Loop Expressway, including the High Falls District.

The creation of a 3D GIS spatial model of Center City will improve the City's development review process, master planning activities, and environmental impact analysis capabilities. Use of the model will also improve citizen involvement in and understanding of land use, zoning, and design decisions and will enhance the ability to market Rochester's downtown development opportunities throughout the country via the Internet. Ultimately, it is envisioned that the model will be fully integrated into all of the City's development, design, permitting, and environmental review processes to make them more efficient and more responsive to changing needs.

A request for proposals was sent directly to seven local firms and was posted on the City website. Proposals were received from Sanborn Mapping (Colorado); CyberCity (California); Three Scale Strategy (Ohio); and Bergmann.

Following review by an interdepartmental staff team, Bergmann was recommended based on their qualifications, prior experience, knowledge of the Center City District, and their overall approach to the project.

Bergmann Associates will work with a steering committee of City departmental representatives to complete the study by the end of March, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-204
(Int. No. 232)

Establishing Maximum Compensation For A Professional Services Agreement For A GIS Model

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

Section 1. The sum of \$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 the development of a 3D GIS spatial model of the Center City. Of said amount, \$68,000 shall be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development and \$12,000 shall be funded from the 2010-11 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-205
 Re: 2011-12 Housing Opportunities
 For Persons with AIDS (HOPWA)

Transmitted herewith for your approval is legislation related to the Federal Housing Opportunities for Persons with AIDS (HOPWA) program. This legislation will:

1. Establish maximum compensation for agreements as follows for delivery of HOPWA services:
 - AC Center, Inc. d/b/a AIDS Care \$430,834.00
 - Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services \$264,522.83

To fund the agreements, the following additional legislation will:

2. Appropriate a total of \$691,830 from the 2011-12 allocation of the Housing Choice Fund of the Consolidated Community Development Plan. This amount is based on the assumption that funding will be consistent with the 2010-11 level. Once the City's allocation is finalized, agreement amounts and terms will be adjusted accordingly. Of this amount, \$428,934 will partially finance the agreement with AIDS Care; \$262,896 will partially finance the agreement with Catholic Charities.
3. Amend Ordinance No. 2008-86 to re-appropriate \$10 in unused funds originally appropriated for AIDS Care (from the 2007-08 HOPWA allocation of the General Community Needs Fund of the Consolidated Community Development Plan), for this year's agreement with AIDS Care;
4. Amend Ordinance No. 2009-64 to re-appropriate unused funds originally appropriated for AIDS Care and Catholic Charities from the 2008-09 HOPWA allocation of the General Community Needs Fund of the Consolidated Community Development Plan to partially fund this year's agreements as follows:
 - \$1,890 will be re-appropriated for the agreement with AIDS Care
 - \$1,626.83 will be re-appropriated from the agreement with Catholic Charities

HOPWA provides housing assistance and services to prevent homelessness for individuals with HIV/AIDS and related complications, and their families. Long-term (over 21 weeks) and short-term assistance is available in the form of payments of rent, mortgage, and utilities. Both providers maximize HOPWA assistance through the coordination of other funding sources and service providers.

Data regarding the past 12 months and projections of services for the 2011-12 program are summarized below. Under the last funding, agreement terms were set at 15 months and funding amounts were significantly higher than will be available for 2011-12. Both agreements are now on the City's fiscal year calendar and are consistent with other Community Development Plan programs.

Agency	Households Served		
	4/10 to 6/11 15 Month Goal	4/10-4/11 12 Month Actual	Projected 7/11 to 6/12
AIDS Care:			
Long Term	60	64	85
Short Term	108	25	48
Households	168	89	133
Catholic Charities Community Services:			
Long Term	50	39	53
Short Term	50	12	24
Households	100	51	77
Total Households	268	140	210

There is an increased demand for additional long-term assistance due, in part, to improved medical treatment contributing to longer life expectancies.

Both agencies participate in the Rochester/Monroe County Continuum of Care Team.

This legislation supports City Housing Policy element Promote Housing Choice.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2011-205
 (Int. No. 251)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinances No. 2008-86 And 2009-64

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:

Organization	Amount
AC Center, Inc. d/b/a AIDS Care	\$430,834

Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services 264,522.83

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$695,356.83, and of said amount, or so much thereof as may be necessary, \$691,830 or so much as may be available is hereby appropriated from 2011-12 Housing Opportunities for Persons With AIDS Grant Funds, contingent upon receipt of said funds, \$10 is reappropriated from 2007-08 Housing Opportunities for Persons With AIDS Grant Funds and \$3,516.83 is reappropriated from 2008-09 Housing Opportunities for Persons With AIDS Grant Funds. The Director of Finance shall have the authority to make adjustments to the maximum amounts set forth herein if the amount received under the 2011-12 Housing Opportunities for Persons With AIDS Grant changes after the adoption of this ordinance.

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

Section 4. Ordinance No. 2008-86, 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 AIDS Rochester, Inc. by the sum of \$10, which amount is reappropriated herein.

Section 5. Ordinance No. 2009-64, 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 \$1,626.83, and for AIDS Rochester, Inc. by the sum of \$1,890, which amounts are reappropriated herein.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Haag abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-206
Re: 2011-12 Emergency Shelter Grant Program Service Agreements

Transmitted herewith for your approval is legislation related to the Emergency Shelter Grant (ESG) Program. This legislation will:

1. Appropriate a total of \$401,818 of the ESG allocation of the Housing Choice Fund of the 2011-12 Consolidated Community Develop-

ment plan;

2. Establish maximum compensation for agreements with service providers as summarized below;
3. Amend Ordinance No. 2009-196, authorized in June 2009, to reappropriate \$11,737 in unused funds from the ESG allocation of the 2009-10 Consolidated Community Development Plan to partially fund the agreement with Alternatives for Battered Women, Inc. The amendment will reduce amounts of the original appropriations from the following agencies: Asbury Dining and Care; Catholic Charities of the Diocese of Rochester - d/b/a Catholic Charities Community Services; The Center for Youth Services, Inc.; Dimitri House, Inc.; St. Martins Place; and Sojourner House at PathStone, Inc.

Agreements and allocations for the 2011-12 ESG program are as follows:

<u>Agency</u>	<u>Allocation</u>
Alternatives for Battered Women, Inc.	\$ 21,153
Baden Street Settlement of Rochester, Inc.	19,293
Catherine McAuley Housing, Inc. d/b/a Mercy Residential Services	
Transitional Housing	12,437
Emergency Housing	12,437
Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services	19,293
Catholic Family Center	
Francis Center	14,183
Sanctuary House	14,183
Women's Place	14,182
Dimitri House, Inc.	19,293
Recovery Houses of Rochester, Inc.	23,944
Rochester Area Interfaith Hospitality Network, Inc.	22,083
Sojourner House at PathStone, Inc.	29,525
Spiritus Christi Prison Outreach, Inc.	
Jennifer House	14,297
Nielson House	14,297
The Center for Youth Services, Inc.	28,594
The Community Place of Greater Rochester, Inc.	19,293
The Salvation Army a New York Corporation/Booth Haven	36,036
Veterans Outreach Center, Inc.	19,293
Volunteers of America of Western New York, Inc.	19,293
Wilson Commencement Park	19,293
YWCA of Rochester and Monroe County	<u>21,153</u>
Total	\$413,555

The appropriation of 2011-12 funds is based on the assumption that funding will be consistent with the amount received in 2010-11. Once the City's allocation is finalized, agreement amounts and terms will be adjusted accordingly. The most recent Council action was taken with passage of Ordinance No. 2010-202.

The ESG Program provides housing opportunities and support services for individuals and their families that are homeless or at risk of homelessness. Eligible activities include: case management to address the needs of homeless persons living on the street, in emergency shelter or in transitional housing, operating costs for emergency shelters and transitional housing. Attached is a list of the agencies and their services.

This legislation supports the City Housing Policy's *Section 4: To Promote Housing Choice*.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-77

Ordinance No. 2011-206
(Int. No. 257)

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, Inc.	\$21,153
Baden Street Settlement of Rochester, Inc.	19,293
Catherine McAuley Housing d/b/a Mercy Residential Services/ Transitional Housing	12,437
Catherine McAuley Housing d/b/a Mercy Residential Services/ Emergency Services	12,437
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	19,293
Catholic Family Center/Francis Center	14,183
Catholic Family Center/Sanctuary House	14,183
Catholic Family Center/Women's Place	14,182
Dimitri House, Inc.	19,293
Recovery Houses of Rochester, Inc.	23,944
RAIHN (Rochester Area Interfaith Hospitality Network, Inc.)	22,083
Sojourner House at PathStone, Inc.	29,525
Spiritus Christi Prison Outreach, Inc./Jennifer House	14,297
Spiritus Christi Prison Outreach, Inc./Neilsen House	14,297
The Center for Youth Services, Inc.	28,594
The Community Place of Greater Rochester, Inc.	19,293
The Salvation Army, a New York Corp./Booth Haven	36,036
Veterans Outreach Center, Inc.	19,293

Volunteers of America of Western New York, Inc.	19,293
Wilson Commencement Park, Inc.	19,293
YWCA of Rochester and Monroe County	21,153

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$413,555, and of said amount, or so much as may be available, \$401,818 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Shelter Program Account) of the 2011-12 Emergency Shelter Grant and \$11,737 is hereby reappropriated from 2009-10 Emergency Shelter Grant Program Funds. The Director of Finance shall have the authority to make adjustments to the maximum amounts set forth herein if the amount received under the 2011-12 Emergency Shelter Grant or the amount of the funds reduced herein change after the adoption of this ordinance.

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

Section 4. Ordinance No. 2009-196, relating to the Emergency Shelter Grant Program, as amended, is hereby further amended by reducing the amounts authorized and appropriated therein by the sum of \$11,737, which amount is reappropriated herein. The Director of Finance shall reduce the amounts for specific agreements based on the unexpended funds for each organization.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None 0.

Councilmember Spaul abtained.

Introductory No. 107 was introduced April 26, 2011 and appears in its original form with its transmittal letter on page 109 of the current Council Proceedings.

Ordinance No. 2011-207
(Int. No. 107)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Centers

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-208
Re: Cultural Center Commission -
Sale of Property

Transmitted herewith is legislation approving the sale of properties within the Cultural District to the University of Rochester as follows:

1. 420 E. Main Street, owned by the Cultural Center Commission, for the appraised value of \$640,000;
2. 403 E. Main Street, owned by the Cultural Center Commission, for the appraised value of \$43,000;
3. 400 E. Main Street and 100 N. Chestnut Street, owned by the City of Rochester, for the combined appraised value of \$6,700.

The Cultural Center Commission approved the sale of the following properties at their March 30, 2011 meeting:

1. A 1.5 acre surface parking lot, also referred to as Block F or the "Rascal Café", located at 420 E. Main Street; and
2. A .16 acre open space adjacent to the Miller Center, located 403 E. Main Street.

Two incidental properties, owned by the City of Rochester and adjacent to Block F, are also recommended for sale including:

1. A 100 square foot parcel at 400 E. Main Street; and
2. A 567 square foot parcel located at 100 N. Chestnut Street.

The University will purchase both City properties for the combined appraised value of \$6,700. The combined appraised value of the City properties was established by Midland Appraisal Associates, in April 2011.

420 E. Main Street is the last development parcel owned by the Commission and is located in the heart of the Eastman School of Music's downtown "campus". The Commission acquired this property in the mid 1980s and has operated the site for surface parking until redevelopment could be undertaken. Over the years, the Commission issued several rounds of requests for proposals for the property but was unable to find a project that was both acceptable and economically feasible.

In late 2010, the University of Rochester proposed purchasing the property with the intent of developing the land for a mixed-use project. The University will purchase the property for the appraised value of \$640,000. The appraised value was established by Midland Appraisal Associates, Inc. in October 2010. The University envisions the project will consist of several components, including provision for the expansion of the programs of the Eastman School of Music, and potentially other programs of the University in addition to residential, office and retail space. The University will work in conjunction with a private developer to plan and design the project. During the interim, the University will continue to operate the property for

surface parking. It is the intent of the University to have the property remain on the City property tax rolls. If the property is not developed within five years, the Commission will have the right to reacquire the property for the original sale price.

The University will also purchase 403 E. Main Street for the appraised value of \$43,000. The appraised value was established by Midland Appraisal Associates, Inc. in October 2011. The property is currently operated as a passive open space and is primarily utilized by Eastman School students. The University has continuously maintained this open space since it was created by the Commission in the late 1980s. It is the intent of the University to retain the current use of the property.

The Cultural Center Commission was created in 1979 by an Act passed by the New York State Senate under Chapter 613 of the Laws of 1979. The Commission was jointly funded by the City of Rochester and County of Monroe through bond proceeds totaling over \$17 million. The purpose of the Commission was to revitalize the area around the Eastman Theater and Grove Place Neighborhood through the implementation of the Cultural District Plan. A majority of the plan has been implemented and the revitalization efforts within the district are an enormous success. Once Block F is sold, it is the intent of the City to re-engage the County in discussions regarding the future of the Cultural Center Commission.

Approval from the County Legislature is also required for sale of the Commission-owned properties. SEQR review for the sale of the parcel has been completed. A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-78

Ordinance No. 2011-208
(Int. No. 223)

Authorizing The Sale Of Cultural Center Commission And City Parcels To The University Of Rochester

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

Section 1. The Council hereby approves the sale by the Cultural Center Commission to the University of Rochester of 420 East Main Street, SBL No. 106.800-2-19.1, for the sum of \$640,000, and 403 East Main Street, SBL No. 106.800-2-22.1, for the sum of \$43,000.

Section 2. The Council hereby approves the sale by the City to the University of Rochester of a portion of approximately 100 square feet of 400 East Main Street, SBL No. 106.800-2-66, and a portion of approximately 567 square feet of 100 North Chestnut Street, SBL No. 106.800-2-61, for the sum of \$6,700.

Section 3. This ordinance shall take effect immediately.

Thomas S. Richards
Mayor

Passed by the following vote:

Ordinance No. 2011-209
(Int. No. 233)

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

Nays - None - 0.

Councilmember Haag abstained.

Amending The 2010-11 Consolidated Community Development Plan And Ordinance No. 2010-361 Relating To The Frederick Douglass Apartments Project

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

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2011-209
Re: Frederick Douglass Apartments Project

Transmitted herewith for your approval is legislation related to financing for the Frederick Douglass Apartments Project at 442-466 West Main Street. This legislation will:

Section 1. The Council hereby approves an amendment to the 2010-11 Consolidated Community Development Plan whereby the sum of \$457,000 shall be added to a new account for the Frederick Douglass Apartments Project in the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation.

1. Amend Ordinance No. 2010-361 which authorized an agreement with F. Douglass, LLC to consolidate existing loans for the project. This amendment will authorize an agreement with the current owner of the subject properties, West Main St. Partners, to allow for the reduction, assumption and consolidation of two existing loans for said parcels at an amount of \$457,000;
2. Amend the 2010-11 Consolidated Community Development Plan in order to receive and appropriate additional program income in the amount of \$457,000;
3. Appropriate \$457,000 from the 2010-11 Housing Development Fund of the 2010-11 Consolidated Community Development Plan; and
4. Authorize a loan agreement with F. Douglass, LLC for the Frederick Douglass Apartments Project, 442-466 West Main Street, in an amount not to exceed \$457,000.

Section 2. Ordinance No. 2010-361, relating to agreements for the Frederick Douglass Apartments Project, is hereby amended by amending Section 1 thereof to read in its entirety as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with West Main St. Partners for the Frederick Douglass Apartments Project, 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, which shall allow for the reduction, consolidation and repayment of the two existing loans for said parcels at an amount of \$457,000, to reflect current values and to allow the new owners to obtain State funding for improvements to the Project. The Mayor is hereby further authorized to enter into a loan agreement with F. Douglass, LLC for funding for the Frederick Douglass Apartments Project in an amount not to exceed \$457,000. Said amount is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Frederick Douglass Apartments Project Account) of the 2010-11 Community Development Block Grant. The agreement shall be for a term of 30 years with interest at 1%, payable subject to the availability of cash flow. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

It was recently concluded by the developer, Edgemere Development, that the loan agreement reflected in Ordinance No. 2010-361 creates a debt burden that prohibits their ability to syndicate their tax credits through their funding award with New York State. In order for the project to be financially feasible to the tax credit investors, it will be necessary to reduce the loan amount and to modify the payment terms.

Section 3. This ordinance shall take effect immediately.

The loan shall be secured by a subordinate mortgage and note with 1% interest-only payments to the City, subject to the availability of cash flow, for a term of 30 years. Payment of the principal shall be deferred until the end of the term.

Passed unanimously.

A public hearing is required.

TO THE COUNCIL
Ladies and Gentlemen:

Respectfully submitted,

Ordinance No. 2011-210
Re: Agreements and Appropriations -
2010-11 and 2011-12 Consolidated
Community Development Plans,
Housing Development Fund

Transmitted herewith for your approval is legislation relating to programs funded by the Housing Development Fund of the Consolidated Community Development Plan. This legislation will:

1. Establish \$160,000 as maximum compensation for an agreement with Flower City Habitat for Humanity for development subsidies;
2. Appropriate \$105,000 and \$55,000 from the 2010-11 and 2011-12 New Construction allocations of the Plan to fund the agreement with Habitat for Humanity;
3. Establish \$186,000 as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation (RHDFC) for operation of the Home Rochester program;
4. Appropriate \$186,000 from the Housing Development Support allocation of the 2011-12 Plan to fund the agreement with RHDFC;
5. Appropriate \$1,000,000 from the Demolition allocation of the 2011-12 Plan to fund the City's demolition program.

The Housing Development Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. Program descriptions are attached for individual activities listed above.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-79

Ordinance No. 2011-210
(Int. No. 244)

Approving Consolidated Plan Housing Development Fund Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for Housing Development Fund Programs:

Flower City Habitat for Humanity	\$ 160,000
Demolition Program	1,000,000
Rochester Housing Development Fund Corp.	186,000

Section 2. The Programs in Section 1 shall obligate the City to pay an amount not to exceed \$1,346,000, and of said amount, or so much thereof as may be necessary, \$186,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Housing Development Support Account) of the 2011-12 Community Development Block Grant, \$1,000,000 is hereby ap-

propriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Demolition Account) of the 2011-12 Community Development Block Grant, \$105,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, New Construction allocation of the 2010-11 HOME Program and \$55,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, New Construction allocation of the 2011-12 HOME Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

- Ordinance No. 2011-211,
- Ordinance No. 2011-212,
- Ordinance No. 2011-213 and
- Ordinance No. 2011-214

Re: Consolidated Community Development
2011-12 Annual Action Plan

Transmitted herewith for your approval is legislation related to the Consolidated Community Development 2011-12 Annual Action Plan. This legislation will:

1. Approve the 2011-12 Annual Action Plan;
2. Authorize the submission of the plan to and any grant agreements with the U.S. Department of Housing and Urban Development (HUD);
3. Appropriate Urban Development Action Grant principal and interest repayments projected to be received during the 2011-12 program year for the City Development Fund;
4. Appropriate \$352,000 to the NBD Project Assistance Fund. This amount was received from property owners in exchange for extended reversionary interest in several renovation projects;
5. Amend previous Consolidated Community Development Plans and corresponding Ordinances, as summarized in the attached summary, *Consolidated Plan Funds for Reprogramming*, to increase the Economic Stability allocation of the specified Consolidated Plans. A total of \$583,734 in CDBG prior years will be reprogrammed to ED Financial Assistance Loan and Grant Program.

The Consolidated Community Development Plan is a multi-year strategic plan with annual action plans that guide the use of HUD formula grants including the Community Development Block Grant (CDBG), HOME Investment Partnerships, Emer-

gency Solutions (formerly called Emergency Shelter) Grant Program, and Housing Opportunities for Persons with AIDS (HOPWA).

The action plan describes specific projects and activities that will be funded with federal funds in the coming year to address priority needs. A public hearing was held on February 16, 2011 to solicit community input.

In April 2011, the City was advised of unexpected reductions in CDBG (16% reduction) and HOME (11% reduction) funding. Funds available for 2011-12 are estimated to be \$15,351,939 from the following sources (last year's allocations are provided for comparison):

	<u>2011-12</u>	<u>2010-11</u>
CDBG	\$ 8,717,585	\$10,439,918
HOME	3,091,204	3,492,596
Emergency Shelter Grant	422,966	423,300
HOPWA	713,226	709,220
Loan & interest repayments/Program income/Reallocation of prior yr. funds	<u>2,406,958</u>	<u>2,385,930</u>
Total	\$15,351,939	\$17,450,964

These funds are allocated to the following objectives:

	<u>Amount</u>	<u>Percent Of Total</u>
Promote Economic Stability	\$ 2,471,803	16%
Improve the Housing Stock	11,751,592	77%
Respond to General Community Needs	394,339	2%
Other	<u>734,205</u>	<u>5%</u>
Total	\$15,351,939	100%

Significant funding highlights include:

- \$1,026,417 for the Economic Development Financial Assistance Loan and Grant Program;
- \$350,000 for Targeted Façade Improvement Program;
- \$4,753,084 for the Housing Development Fund;
- \$522,500 for the Homeownership Fund;
- \$105,000 for neighborhood aquatic projects and various physical improvements in low and moderate income neighborhoods;
- \$127,939 for job creation and youth development;
- \$2,498,480 for the Focused Investment Strategy areas.

A total of \$422,966 will be allocated under existing

Emergency Shelter Grant regulations. Allocation of the additional funding in a second phase will be done once an Emergency Solutions Grant rule is published for effect.

The total 2011-12 amount of \$15,351,939 includes the \$352,000 appropriated herein that was inadvertently omitted from the draft action plan previously distributed. The receipt of these funds was authorized through Ordinance No. 2009-4 (\$65,000) and Ordinance No. 2009-417 (\$287,000) for the extension of the City's reversionary interest in the Plymouth Gardens/Seth Green Park/Cobbs Hill Village renovation projects and the Westfall Heights Apartments renovation project, respectively.

A public hearing on the Consolidated Community Development Plan 2011-12 Annual Action Plan as well as the reprogramming of funds is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-80

Ordinance No. 2011-211
(Int. No. 247)

Approving The Consolidated Community Development Plan/2011-12 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2011-12 Annual Action Plan to be financed with \$15,351,939 available to the City of Rochester from the Community Development Block Grant, HOME Investment Partnerships, 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, notice of the proposed plan was published in the legal section of the Democrat and Chronicle on May 21, 2011; and

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by June 21, 2011; 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/2011-12 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/2011-12 Annual Action Plan.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-212
(Int. No. 248)

Authorizing Submission Of The Consolidated Community Development Plan/2011-12 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/2011-12 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, 2011.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-213
(Int. No. 249)

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/2011-12 Annual Action Plan, the Council hereby appropriates the sum of \$652,000 in anticipated UDAG Loan Repayment

Funds and reversionary interest payments and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-214
(Int. No. 250)

Authorizing Amendatory Community Development Program Plans And Amending Ordinances

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

Section 1. The Council hereby approves amendments to the 2002-03, 2004-05, 2007-08, 2008-09 and 2009-10 Community Development Program Plans whereby a total of \$583,784 will be transferred from the following accounts to ED Financial Assistance Loan and Grant Program Accounts within the Promoting Economic Stability allocations:

<u>Account</u>	<u>CDBG Year</u>	<u>Ord. No.</u>	<u>Amount</u>
Neighbors Shopping Neighborhoods	2002-03	2002-185	\$ 1,950
Entertainment District Support	2002-03	2002-185	7,365
River Park Commons	2004-05	2008-259	26,229
Water and Sewer Services	2004-05	2004-188	1,490
Neighborhood Direct Support	2007-08		218,189
Residential Assistance Program	2007-08	2007-188	903
Youth Training Academy	2007-08	2007-222	35,060
Program Management Staff	2007-08	2007-222	11,520
Youth Training Academy	2008-09	2008-198	55,700
Program Management Staff	2008-09	2008-198	109,281
Program Management Staff	2009-10	2009-188	116,047
Total			\$583,734

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. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
June 21, 2011

To the Council:

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

Int. No. 234 - Establishing Maximum Compensation For A Professional Services Agreement For A Hydrokinetic Energy Study

Int. No. 235 - Establishing Maximum Compensation For A Professional Services Agreement For The Upland Conduit Structures Repairs Project

Int. No. 236 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$125,000 Bonds Of Said City To Finance The Cost Of Design And Reconstruction Of Infrastructure Supporting The City's Upland Water Supply Conduit

Int. No. 255 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Brooks Landing Revitalization Project

Int. No. 256 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$60,000 Bonds Of Said City To Finance The Additional Cost Of Improvements To Genesee Valley Park And Along Public Easements As Part Of The Brooks Landing Revitalization Project

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

Int. No. 237 - Approving Changes In The Pavement Width Of Joseph Avenue, Clifford Avenue, St. Bridget's Drive, Genesee Street, Carter Street, and the Alignment Of The Carter Street And Portland Avenue Intersection As Part Of The Safe Routes To Schools Project

Int. No. 238 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street And Amending Ordinance No. 2011-119, As Amended

Int. No. 269 - Establishing Maximum Compensation For A Professional Services Agreement For The Capron Street And South Avenue Extension Improvement Project, Authorizing An Agreement And Amending Ordinance No. 2010-124, As Amended

Int. No. 270 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$694,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Capron Street And South Avenue Extension Improvement Project

Int. No. 271 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$115,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Capron Street And South Avenue Extension Improvement Project

Int. No. 272 - Local Improvement Ordinance - Areaway Abandonment At 238-242 South Avenue As A Part Of The Capron Street And South Avenue Extension Improvement Project

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-215
Re: Agreement - Bergmann Associates,
P.C., Hydrokinetic Energy Study

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Bergmann Associates, P.C., Rochester, for engineering, inspection, planning, and preliminary design services related to the study of the implementation of hydrokinetic energy generation on the Johnson Seymour Mill Race. This agreement will be funded from 2010-11 Cash Capital.

The historic Johnson Seymour Mill Race originates at the proposed Erie Harbor Park, adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard. The race runs under the Rundel Memorial Library and into the Rochester Gas & Electric Substation No. 6.

Bergmann will evaluate the feasibility of harnessing energy from the Mill Race through the use of hydrokinetic turbines or similar technology. Hydrokinetic energy is generated from turbines placed in-stream, using the ambient movement of water, as opposed to the more traditional generation of energy by water pressure.

This project is consistent with the City's Climate and Environment Protection Resolution, adopted in August 2009. The City is committed to promoting clean energy through newly expanding technology such as hydrokinetic turbines, which complements Rochester's extensive natural hydraulic resources. Upon determination of feasibility, the consultant shall produce a conceptual-level design, and an implementation plan for the design, installation,

and energy harvesting for the new technology.

Proposals were solicited from 24 firms. Six firms responded: Barton & Loguidice, P.C.; Bergmann Associates, P.C.; LaBella Associates, P.C.; O'Brien & Gere Engineers, Inc.; Stantec Consulting Services, Inc.; and T.Y. Lin International. Bergmann was selected based on their qualifications, assigned personnel, overall familiarity and expertise with the scope of the planned work.

The study is anticipated to be completed in December 2011. The funding will provide for the creation/retention of the equivalent of .4 full-time position.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-81

Ordinance No. 2011-215
(Int. No. 234)

Establishing Maximum Compensation For A Professional Services Agreement For A Hydrokinetic Energy Study

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for engineering, inspection, planning and preliminary design services for the Johnson Seymour Race Hydrokinetic Energy 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 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-216 and
Ordinance No. 2011-217

Re: Agreement - T.Y. Lin International,
Water Supply Infrastructure Repairs

Transmitted herewith for your approval is legislation establishing maximum compensation of \$65,000 for an agreement with T.Y. Lin International, Rochester, for structural engineering services required for maintenance, and authorizing the issuance of bonds totaling \$125,000 and the appropriation of the proceeds thereof to finance project.

The City's thirty miles of upland water conduit includes supportive water supply infrastructure, including spillways, shoreline protection slabs, outlet and inlet structures, and sluice gates. The

various structures require periodic maintenance, including surface and joint repairs, minor structural repairs and rehabilitation. The consultant will provide structural engineering design services for several Upland area structures including construction documents, specifications, and cost estimates for necessary repairs.

Qualifications were solicited from five firms; two responded - T.Y. Lin International and Bergmann Associates, P.C. T.Y. Lin is recommended based on the consulting team's qualifications, fiscally responsible project approach, and the quality and completeness of the proposal.

Total project cost is estimated at \$300,000. The balance, \$175,000, will be financed through Cash Capital (Water). Some of the construction will be completed by City employees to lower costs. Design services will begin in July 2011. It is anticipated that construction will begin in the Fall 2011 with completion in Summer 2012.

This project will result in the creation/retention of the equivalent of .7 full-time positions.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-216
(Int. No. 235)

Establishing Maximum Compensation For A Professional Services Agreement For The Upland Conduit Structures Repairs Project

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

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and T.Y. Lin International for structural engineering design services for the Upland Conduit Structures Repairs Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for the Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-217
(Int. No. 236)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$125,000 Bonds Of Said City To Finance The Cost Of Design And Reconstruction Of Infrastructure Supporting The City's Upland Water Supply Conduit

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of structural engineering design services and the reconstruction of the supportive water supply infrastructure for the City's Upland Water Supply Conduit, including spillways, shoreline protection slabs, outlet and inlet structures and sluice gates (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 \$300,000. The plan of financing includes the issuance of \$125,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$175,000 in current City water 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 \$125,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$125,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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. 2011-218 and
Ordinance No. 2011-219
Re: Amendatory Agreement - T.Y. Lin
International, Brooks Landing II
Public Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with T.Y. Lin International, Rochester, for additional design services for the Brooks Landing II Public Improvement Project, and authorizing the issuance of bonds totaling \$60,000 and appropriating the proceeds thereof to finance the design services. The original agreement (Ord. No. 2008-416) established \$205,000 as maximum compensation; this amendment will increase that amount to a total of \$265,000.

This project, partially funded by New York State and the Federal Highway Administration (FHWA), includes the re-design of South Plymouth Avenue from and including the intersection of Elmwood Avenue north to the private development at Brooks Landing. The project will also include park circulation and Genesee Riverway Trail improvements, park landscape and waterfront improvements, and public art.

The amendatory design agreement will support resolution of design issues and advance consensus among the stakeholders engaged in this project, the New York State Historic Preservation Office (SHPO), and FHWA. T.Y. Lin International will develop two concept plans for a connector road in the area of South Plymouth Avenue in Genesee Valley Park and the Staybridge Suites hotel parking lot. The additional tasks include additional advisory group meetings, field work, concept alternatives, environmental assessment, coordination and project management extending beyond the original agreement's scope and schedule.

This amendatory agreement will fully fund the project through design completion assuming State and Federal approval of the design program, and no additional significant scope changes. The design is anticipated to be complete in Spring 2013 with construction planned for Summer 2013.

This project results in the creation or retention of the equivalent of 0.7 full-time consultant/professional job.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-218
(Int. No. 255)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Brooks Landing Revitalization Project

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and T.Y. Lin International for design services for Phase II of the Brooks Landing Revitalization Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. 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. 2011-219
(Int. No. 256)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$60,000 Bonds Of Said City To Finance The Additional Cost Of Improvements To Genesee Valley Park And Along Public Easements As Part Of The Brooks Landing Revitalization Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of improvements to Genesee Valley Park and along public easements at Brooks Landing, including but not limited to park, landscape and public art improvements, as part of the Brooks Landing Revitalization Project in the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$922,000. The plan of financing includes the issuance of \$60,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$362,000 bonds previously appropriated in Ordinance No. 2007-182, \$500,000 in funds from a State Waterfront Revitalization Grant appropriated in Ordinance No. 2007-183, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$60,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$60,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without

limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-220 and
Ordinance No. 2011-221
Re: Safe Routes to Schools Project

Transmitted herewith for your approval is legislation authorizing pavement width changes related to the realignment of the Carter Street and Portland Avenue intersection, and amending the Official Map by dedicating a portion of 569-571 Portland Avenue as public right-of-way for street purposes.

This segment of the Safe Routes to Schools Project incorporates the realignment of the intersection of Carter Street and Portland Avenue. The realignment will move the intersection of Carter Street at Portland Avenue further away from the intersection of Portland and Clifford Avenues, resulting in better visibility, decreased crossing distances at crosswalks and increased cueing distances for the south bound approach to the signalized intersection of Portland and Clifford Avenue. The proposed changes benefit Schools #36 and #45. In addition to pavement width changes, this project includes the installation of new curbs, sidewalks, ADA ramps and detectable warning systems. The project is being designed by the Department of Environmental Services, Bureau of Architecture and Engineering.

The City Planning Commission, in its February 8, 2010 meeting, recommended approval of this dedication by a vote of 7-0. Minutes and recommendations from the meeting are attached.

A public meeting will be held on June 14, 2011; meeting minutes will be forwarded to the City Clerk. The pavement width changes will be presented for endorsement at the June 7, 2011 Traffic Control Board meeting.

It is anticipated the design will be completed in June 2011 and construction will begin in September 2011, with substantial completion by Spring 2013.

Public hearings on the width changes and the Map amendment are required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-82

Ordinance No. 2011-220
(Int. No. 237)

Approving Changes In The Pavement Width Of Joseph Avenue, Clifford Avenue, St. Bridget's Drive, Genesee Street, Carter Street, And The Alignment Of The Carter Street And Portland Avenue Intersection As Part Of The Safe Routes To Schools Project

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

Section 1. The Council hereby approves the following changes in pavement width and the realignment of the Carter Street and Portland Avenue intersection as part of the Safe Routes to Schools Project:

- 1. For Joseph Avenue a decrease of 5 feet, from

- 38 feet to 33 feet, beginning at the north curb line of Leo Street, northward for a distance of 15 feet.
- 2. For Clifford Avenue a decrease of 5 feet, from 38 feet to 33 feet, beginning at the east curb line of Coleman Terrace, eastward for a distance of 27 feet.
- 3. For Clifford Avenue a decrease of 5 feet, from 38 feet to 33 feet, beginning at the west curb line of Sixth Street, westward for a distance of 21 feet.
- 4. For St. Bridget’s Drive a decrease of 5 feet, from 32 feet to 28 feet, beginning at the west curb line of North Clinton Avenue, westward for a distance of 18 feet and then tapering for a distance of 35 feet back to the original width of 32 feet.
- 5. For Genesee Street a decrease of 6 feet, from 44 feet to 38 feet, beginning at the south curb line of Dr. Samuel McCree Way, southward for a distance of 45 feet.
- 6. The intersection of Carter Street into Portland Avenue will be relocated approximately 83 feet to the north.
- 7. For Carter Street, tapering from a width of 31 feet at the intersection of Portland Avenue to the original width of 24 feet, at a point approximately 120 feet from the centerline of Portland Avenue measured along the proposed new centerline of Carter Street.

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. 2011-221
(Int. No. 238, As Amended)

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Carter Street And Amending Ordinance No. 2011-119

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 Carter Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 1 of the F. Vose & C.A. Davis Subdivision, as filed in the Monroe County Clerk’s Office in Liber 3 of Maps, Page 64

and being more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of Carter Street (49.5’ ROW) and the westerly ROW line of Portland Avenue (66’ ROW), said intersection being the Point or Place of Beginning; thence

- 1) N 03°20’31" W, along said easterly ROW line of Carter Street, a distance of 93.30 feet to a point; thence
- 2) S 33°38’08" E, through lands currently of the City of Rochester, a distance of 8.64 feet to an angle point; thence
- 3) S 63°55’45" E, continuing through said lands of the City of Rochester, a distance of 33.39 feet to an angle point; thence
- 4) N 71°04’54" E, continuing through said lands of the City of Rochester, a distance of 7.07 feet to the said westerly ROW line of Portland Avenue; thence
- 5) S 26°05’34" W, along said westerly ROW line, a distance of 81.92 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 1692 square feet, more or less, all as shown on a map entitled “Lands To Be Dedicated For Street Purposes”, dated October 16, 2009, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the same premises conveyed to the City of Rochester by a deed dated November 8, 1995 and filed in Liber 8679, Page 305.

Section 2. Ordinance No. 2011-119, relating to the abandonment of Grove Place, is hereby amended by correcting the legal description of said abandonment by deleting the number “40.89” as the number of feet in Course 4 thereof and by inserting in its place “39.00” feet.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-222,
Ordinance No. 2011-223,
Ordinance No. 2011-224 and
Local Improvement Ordinance No. 1642
Re: Capron Street and South Avenue
Extension Improvement Project

Transmitted herewith for your approval is legislation related to the Capron Street and South Avenue Extension Improvement Project. This legislation will:

- 1. Establish \$102,000 as maximum compensa-

tion for an agreement with Clark Patterson Lee, Rochester, for resident project representation (RPR) services. The cost of the agreement will be funded from the proceeds of the bonds issued herein;

2. Authorize the issuance of bonds totaling \$694,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
3. Authorize the issuance of bonds totaling \$115,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements; and
4. Appropriate \$12,140 from the Local Improvement Fund to finance the cost to abandon an underground areaway at 238-242 South Avenue and authorize the subsequent assessment of this amount against the property to replenish the Local Improvement Fund.

The project includes the rehabilitation of South Avenue extension and the reconstruction of Capron Street; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, and water mains, as required; and tree planting.

Bids for construction were received on June 1, 2011. The apparent low bid of \$662,510 was submitted by Seneca Roadways, Inc. which is 13.4% less than the engineer's estimate. An additional \$64,230 will be allocated for project contingencies including some street lighting costs.

The costs for the categories of work for the project based upon the bid amount are as follows:

Category	Construction	RPR	Total
	Contingency		
Street	\$551,060	\$ 87,700	
	\$55,240		\$694,000
Water	94,410	14,300	
	6,290		115,000
County Traffic	6,900	0	
	700		7,600
LIO	10,140	0	
	2,000		12,140
Total	\$662,510	\$102,000	
	\$64,230		\$828,740

Clark Patterson Lee was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project.

A privately owned areaway is located within the right-of-way at 238-242 South Avenue. The owner has agreed to abandon it and in accordance with the City's Areaway Policy, the City will share in the cost of the abandonments and will additionally assist in financing the property owner share of the abandonment through the proposed Local Im-

provement Ordinance. The Local Improvement Ordinance will be paid back at 1% over the City's borrowing rate for a term of 10 years.

This project results in the creation or retention of the equivalent of 1.1 and 7.2 full-time consultant/professional and public works jobs, respectively.

Construction is scheduled to begin this Summer and be completed in Fall 2011.

A public hearing is required for the local improvement ordinance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-83

Ordinance No. 2011-222
(Int. No. 269, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Capron Street And South Avenue Extension Improvement Project, Authorizing An Agreement And Amending Ordinance No. 2010-124

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

Section 1. The sum of \$102,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Lee for resident project representation services for the Capron Street and South Avenue Extension Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$87,700 shall be funded from a bond ordinance adopted for street purposes and \$14,300 shall be funded from a bond ordinance adopted for water purposes.

Section 2. The Mayor is hereby authorized to enter into a use and occupancy agreement with the State of New York for the use of approximately 5,455 square feet of State property for the Capron Street and South Avenue Extension Improvement Project. The agreement shall obligate the City to pay an amount not to exceed \$136 per month in fees, retroactive to December 1, 2010, which amount shall be funded from the annual budgets of the Department of Finance, contingent upon adoption of future budgets. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2010-124, authorizing the acquisition of permanent easements for the Jefferson Avenue Revitalization Project, is hereby amended by reauthorizing the acquisition of the easements in Section 1 for the amounts set forth therein, except that the amount for the easement at 561-569 Jefferson Avenue shall be \$250. The new

acquisitions shall obligate the City to pay an amount not to exceed \$750, 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. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2011-223
(Int. No. 270)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$694,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Capron Street And South Avenue Extension Improvement Project

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

Section 1. The 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 Capron Street and South Avenue Extension 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 \$694,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$694,000 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 \$694,000 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. 2011-224
(Int. No. 271)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$115,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Capron Street And South Avenue Extension Improvement Project

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

Section 1. The 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 Capron Street and South Avenue Extension 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 \$115,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$115,000 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 \$115,000 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 \$115,000. 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.

Local Improvement Ordinance No. 1642
(Int. No. 272)

Local Improvement Ordinance - Areaway Abandonment At 238-242 South Avenue As A Part Of The Capron Street And South Avenue Extension Improvement Project

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. As part of the Capron Street and South Avenue Extension Improvement Project, the Council hereby authorizes the special treatment of the areaway at 238-242 South Avenue in the form of the abandonment 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:

<u>Address</u> <u>Owner</u>	<u>SBL No.</u> <u>Amount</u>
238-242 South Avenue Christine Galvin	121.40-1-18 \$12,140

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 \$12,140, 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 ten installments. 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 \$12,140, 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 McFadden
June 21, 2011

To the Council:

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

Int. No. 240 - Establishing Maximum Compens-

sation For Professional Services Agreements For Veterinary Services

Int. No. 242 - Authorizing An Agreement For Funding For The Gang Conspiracy Initiative And Appropriating Funds

Int. No. 246 - Authorizing An Application And Agreements For The 2011 Summer Food Service Program For Children

Int. No. 252 - Authorizing An Agreement With Quad A For Kids

Int. No. 254 - Authorizing An Agreement For Funding For Sex Offender Registry Violations Enforcement

Int. No. 21 - Amending Chapter 99 Of The Municipal Code, Relating To Shooting Ranges

Int. No. 77 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Int. No. 135 - Authorizing An Agreement With The City School District For The Joint Use And Maintenance Of Facilities

The following entitled legislation is being held in Committee:

Int. No. 239 - Authorizing Agreements Relating To The 2011 Summer Of Opportunity Program

Int. No. 241 - Authorizing Agreements Relating To The Rochester After School Academy 4 Program

Respectfully submitted,
Adam C. McFadden (*Abstained on Int. No. 252*)
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-225
Re: Veterinary Services Agreements

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements for veterinary services for the City's Animal Services shelter and the Police Department's Canine Unit during 2011-12. The total cost of these agreements, \$98,500, will be funded from the 2011-12 Budget of the Police Department.

Animal Services
Routine veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter, including spay/neuter surgeries, are provided primarily on-site through agreements with several

licensed veterinarians and veterinary technicians. Each of the consultants 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. There also is an agreement with the Humane Society at Lollypop Farm to provide services at their facility, should coverage be needed on occasion.

The estimated veterinary services expenses for 2011-12 are as follows:

On-site veterinary services	\$79,500
Animal emergency services	<u>7,000</u>
Total	\$86,500

Canine Unit

Stone Ridge Animal Hospital provides veterinary services to the dogs assigned to the Canine Unit of the Police Department's Special Operations Division, including examination of new police dogs before they are accepted by the Police Department for duty, immunizations and tests, and medical care as needed. Stone Ridge has provided satisfactory services to the City for over fourteen years. It is anticipated that a request for proposals for these services will be issued prior to the 2012-13 agreement. Maximum compensation for this agreement will be \$12,000.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-225
(Int. No. 240)

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 \$86,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements for the provision of veterinary services for the Animal Services Shelter. Said amount shall be funded from the 2011-12 Budget of the Rochester Police Department.

Section 2. The sum of \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stone Ridge Animal Hospital for veterinary services for the Canine Unit of the Police Department. Said amount shall be funded from the 2011-12 Budget of the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-226
Re: Agreement - New York State Division
Of Criminal Justice Services Grant,
Gang Conspiracy Initiative

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of a grant of up to \$150,000 for the Gang Conspiracy Initiative.

Funding will be used to target and track criminal group activity occurring in the City of Rochester. The key initiative will be in obtaining credible and actionable intelligence to identify and track criminal networks and organizations through use of surveillance equipment.

The initiative will significantly enhance the Police Department's ability to investigate and prosecute gang-related activities in the city, including shootings, shots fired, and drug-related home invasion robberies, street robberies, and burglaries.

The term for use of these funds is June 1, 2011 through January 30, 2012. This is the first funding the City has received for this program. No matching funds are required.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-226
(Int. No. 242)

Authorizing An Agreement For Funding For The Gang Conspiracy Initiative And Appropriating Funds

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for the Gang Conspiracy Initiative.

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

Section 3. The sum of \$150,000, or so much thereof as may be received, is hereby appropriated from the funds to be received under the grant agreement authorized herein to fund the purchase of equipment to support the Gang Conspiracy Initiative.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-227
 Re: Summer Food Service Program

Ordinance No. 2011-227
 (Int. No. 246)

Transmitted herewith for your approval is legislation related to the 2011 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 SFSP;
2. Establish \$262,200 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 age 18 and under, and to disabled persons over 18 who are enrolled in a school-year program for children with disabilities. The program will operate June 27-August 26, 2011. Sites will be selected based upon proximity to youth service activities and satisfactory past participation in the program.

The program is administered by the City and reimbursed by the State Education Department, using federal funding. The District will prepare and deliver the meals to the program sites.

The federal reimbursement rates and projected numbers of meals are as follows:

	<u>Number of Meals</u>	<u>Rate</u>	<u>Total Reimbursement</u>
Breakfast	48,800	\$1.8450	\$ 90,036
Lunch	75,600	\$3.2375	<u>244,755</u>
Total			<u>\$334,791</u>

The balance of \$72,591 will cover primarily the cost of seasonal staff who monitor the sites as required by federal regulations; it will also reimburse the Department of Environmental Services for any extra trash pickup. These amounts have been included in the proposed 2011-12 Budget of the Department of Recreation and Youth Services.

The most recent agreement for these services was approved by Council in April 2010.

The number of meals served in past years is as follows:

	<u>Breakfast</u>	<u>Lunch</u>	<u>Total</u>
2007	68,495	104,113	172,608
2008	70,863	106,696	177,559
2009	59,286	88,992	148,278
2010	40,275	66,119	106,394

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AK-84

Authorizing An Application And Agreements For The 2011 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 2011 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$262,200, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

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. 2011-228
 Re: Agreement - Quad A for Kids

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Quad A for Kids for after-school programs. The cost of this agreement will be funded from the Undistributed allocation of the 2010-11 Budget.

Quad A serves disadvantaged youth in grades 1-6, ages 6 through 13 in southwest and northwest Rochester. Their after-school program provides academic assistance, teaches life-skills, and oversees physical exercise in a safe environment. Quad A also provides a snack and hot dinner each day for approximately 350 children. The program operates Monday through Friday, for three hours per day when school is in session, at schools No. 4, 16, and 34.

This agreement will provide support for 27 children for the school year.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2011-228
(Int. No. 252)

Authorizing An Agreement With Quad A For Kids

BE IT 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, 16 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 2010-11 Budget for Undistributed Expense.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember McFadden abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-229
Re: Agreement - US Marshal's Service,
Sex Offender Registry Violations
Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Marshal's Service for the receipt and use of a grant of up to \$10,159 to support enforcement of sex offender registry violations.

Funds will be used to reimburse the City for overtime for police officers to identify, investigate, locate and arrest those sex offenders who are in violation of the sex offender registry requirements. The term for use of these funds is through September 30, 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-229
(Int. No. 254)

Authorizing An Agreement For Funding For Sex Offender Registry Violations Enforcement

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Marshal's Service for funding for the enforcement of sex offender registry violations.

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.

Introductory No. 21 was introduced January 25, 2011 and appears in its original form with its transmittal letter on page 24 of the current Council Proceedings.

Ordinance No. 2011-230
(Int. No. 21)

Amending Chapter 99 Of The Municipal Code, Relating To Shooting Ranges

Passed unanimously.

Introductory No. 77 was introduced March 22, 2011 and appears in its original form with its transmittal letter on page 97 of the current Council Proceedings.

Ordinance No. 2011-231
(Int. No. 77)

Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Passed unanimously.

Introductory No. 135 was introduced April 26, 2011 and appears in its original form with its transmittal letter on page 139 of the current Council Proceedings.

Ordinance No. 2011-232
(Int. No. 135)

Authorizing An Agreement With The City School District For The Joint Use And Maintenance Of Facilities

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 239 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-233
Re: Summer of Opportunity Program

Transmitted herewith for your approval is legislation related to the implementation of the 2011 Summer of Opportunity Program, which will serve 402 youth through a combination of agency- and City-administered programs at a total cost of \$640,152. This legislation will:

- Establish maximum compensation for agreements with 13 agencies, summarized below;
- Establish \$131,700 as maximum compensation for an agreement with The Employment Store for payroll processing services for a portion of participants; and
- Appropriate \$110,000 from the Job Creation/Youth Development allocation of the 2011-12 Community Development Block Grant to partially fund the agreements.

The remaining cost of the programs will be funded from the 2010-11 (\$11,500) and 2011-12 Budgets (\$518,652) of the Department of Recreation and Youth Services. The latter amount includes a \$250,000 grant received through the efforts of New York State Senator Joseph Robach.

The Program (SOOP) provides City high school students between the ages of 14-20 with a summer work experience or vocational exploration opportunity. SOOP gives priority for placement to students with at least a 90% minimum school attendance rate, and no long-term school suspensions for the current school year.

The City collaborates with RochesterWorks to conduct joint recruitment and application intake, including mandatory Job Readiness Training for those who need it, and Parent Orientation for students ages 14-15 seeking a summer job. The Children's Institute will continue, as authorized in Ordinance No. 2010-240, to manage the application and scheduling processes and data through COMET, a software system that is compatible with the School District's database.

This year, the City issued an independent request for proposals due to the delayed notice of funding for RochesterWorks. The priority and scope of the RFP was to serve 14 and 15 year old youth by providing significant opportunities for work readiness, career exploration, community service, and academic enrichment activities during the summer. RochesterWorks released a separate request for project-based experiences. Consistent with previous years, youth will be referred for City and RochesterWorks opportunities from the single COMET system database of applicants.

Twenty-one proposals were received from various agencies; the 13 listed below are recommended based on the description of proposed services, past performance, and the amount of funding available;

these programs will serve a total of 299 students at a cost of \$399,800.

<u>Agency/Program</u>	<u># Youth</u>	<u>Cost</u>	<u>Cost Per</u>
<u>Project Description</u>			
Action for a Better Community	25	\$ 37,500	\$1,500
Career exploration through media, art, and technology			
Baden Street Settlement - In Control	15	22,000	1,467
Career exploration through theatre and video production			
Baden Street Settlement - Wear Art	20	26,700	1,335
Career exploration in entrepreneurship, design, event planning, and construction			
Community Place of Greater Rochester	30	37,500	1,250
Career exploration in marketing and media production			
Charles Street Settlement	20	30,000	1,500
Career exploration in virtual and community work			
Daniel and Friends	37	53,100	1,435
Career exploration in landscaping, video-editing, marketing, and day camp operations			
Ibero - Science, Technology, Engineering & Math (STEM)	30	35,000	1,167
Career exploration in the fields of science, math, and engineering			
Iglesia Educational Centers	25	30,300	1,212
Career exploration in, STEM disciplines, law enforcement, aviation, hair dressing/barbering, public service, and journalism			
KUUMBA	45	72,000	1,600
Career exploration in six artistic disciplines			
Monroe Community College	12	7,800	650
Organized athletic instruction and supervised activities in day camp			
Rochester Community Television (RCTV)	12	15,200	1,267
Career exploration in television production and editing			

Rochester Education Foundation - Law Prep		
16	22,152	1,384
	Career exploration in law	
Volunteers of America (VOA)		
12	10,600	883
	Career exploration through child care services	
Total		
299	\$399,852	

In addition, the following SOOP components are administered directly by the City at a total cost of \$240,300:

Community Conservation Corps will employ 40 youth in City recreation centers, and *Teens on Patrol* will employ 15 youth in City recreation centers and/or with police-sponsored programs. The youth will be ages 16 and older, and will work for 6-8 weeks, depending on the work site, at a wage of \$7.70 per hour.

Summer of Opportunity Plus (SOOP+) will provide work experience job slots for 10 high school youth ages 16 and above. Students will work in internships in the private and non-profit sectors, as well as City offices. Positions include: Office Clerk, Receptionist, Customer Service Representative, Summer Program Assistant, and Student Intern.

The City will provide payroll processing services and check distribution for all CCC, TOPS, and SOOP+ participants working at a City location.

To maintain consistency with RochesterWorks, payroll processing services will be provided for 38 participants: 18 SOOP+ youth placed in private sector sites, and 20 part-time afterschool jobs for youth ages 16+ will be payrolled through the Employment Store at a total cost of \$131,700. Approximately \$98,343 will cover wages while the remaining \$33,357 will cover the necessary fringe and fees.

The most recent agreements for these services were approved in June 2010 (Ord. No. 2010-240).

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-85

Ordinance No. 2011-233
(Int. No. 239, As Amended)

Authorizing Agreements Relating To The 2011 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 2011 Summer of Opportunity Program:

Organization	Total
Action for a Better Community, Inc.	\$ 37,500
Baden Street Settlement - In Control	22,000
Baden Street Settlement - WearArt	26,700
Community Place of Greater Rochester	37,500
Charles Street Settlement	30,000
Daniel and Friends	[32,700] <u>53,100</u>
IBERO - STEM Program	35,000
Iglesia Educational Centers	30,300
KUUMBA	72,000
Monroe Community College	7,800
Rochester Community Television	15,200
Rochester Education Foundation - Law Prep	[15,845] <u>22,152</u>
Volunteers of America	10,600
The Employment Store - Payroll Services	131,700

Section 2. The agreements and allocations for City sponsored programs shall obligate the City to pay an amount not to exceed \$[640,100] 640,152, and of said amount, or so much thereof as may be necessary, \$11,500 shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services, \$[518,600] 518,652 shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services and \$110,000 is hereby appropriated from the Responding to General Community Needs Objective, Job Creation/Youth Development allocation of the 2011-12 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Scott abstained.

Councilmember McFadden moved to discharge Int. No. 241 from Committee.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-234
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 New York 21st Century Community Learning Centers Program funding for the Rochester After School Academy, Round 4 (RASA-4), for the 2011-12 school year.
2. Establish maximum compensation for agreements to be funded from the above amount:

<u>Contractor</u>	<u>Amount</u>
<u>School Partner</u>	
Ibero-American Action League Rochester STEM (Science, Technology, Engineering & Math) High School (formerly Edison)	\$126,376
Community Place of Greater Rochester Dr. Freddie Thomas High School, Northeast Preparatory, Northwest Preparatory	150,240
The Center for Youth Services East High School	153,200
<u>Consultant</u>	<u>Amount</u>
<u>Services</u>	
Children's Institute	15,000
Coordinated Care Services, Inc. Evaluation and Surveys, Professional Development, Parent University, APR Evaluation	189,000
Margaret C. Lancer, Consultant Fiscal Reporting Services	10,000
Furaha Moye, Consultant Monitoring, Parent Involvement Projects, Inventory Control	20,000
Total	\$663,816

The remaining funds, \$183,955, have been included in the proposed 2011-12 Budget of the Department of Recreation and Youth Services for the Jefferson High School site administered by the City (\$73,100), and for administrative and indirect costs (\$110,855).

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 fourth year of a five-year grant. The most recent action by Council on the RASA program was in Ordinance No. 2010-267.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-86

Ordinance No. 2011-234
(Int. No. 241)

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 for the 2011-12 school year.

Section 2. The Mayor is hereby authorized to enter into the following agreements for projects under the RASA-4 Program:

<u>Agency</u>	<u>Amount</u>
<u>School Partner</u>	
IBERO-American Action League Rochester STEM High School	\$126,376
Community Place of Greater Rochester Dr. Freddie Thomas, NE & NW Prep	150,240
The Center for Youth Services East High School	153,200
<u>Consultant</u>	<u>Amount</u>
<u>Services</u>	
Children's Institute	\$ 15,000
Coordinated Care Services, Inc. Evaluation and Surveys, Professional Development, Parent University, APR Evaluation	189,000
Margaret C. Lancer Fiscal Reporting Services	10,000

Furaha Moye 20,000
Monitoring, Parent Involvement
Projects, Inventory Control

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$663,816, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York 21st Century Community Learning Centers Program Funds. A Department of Recreation and Youth Services Program at Jefferson High School and administrative and indirect costs in a total amount of \$183,955 shall be funded from the 2011-12 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 Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spauld abstained.

The meeting was adjourned at 8:45 pm

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JULY 19, 2011

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spauld - 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
 - *Carmen L. Rivera
 - Neighborhood & Business Development
 - *Janett S. Blake
 - *Justus O. Ocholi
 - Fire Department
 - *Michael A. Bourque
 - Police Department
 - *Annette M. Yates
- *Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Special Meeting of June 7, 2011, the Public Hearing on June 14, 2011 and the Regular Meeting of June 21, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
 - Notice of Environmental Determination 4051-11
 - Public Disclosure-CDBG Participation 4052-11
 - Quarterly Report - Professional Services Agreements with Costs of \$10,000 or less 4053-11

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented

PUBLIC HEARINGS.

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

Amending The Official Map By Acquiring And Dedicating Parcels To Street Purposes As Part Of The East Avenue Wegmans Redevelopment Project Int. No. 279 No speakers.

Amending The Official Map By Abandonment Of A Bartholomew Line And Portions Of University Avenue Between Probert Street And North Winton Road And Authorizing Their Sale As Part Of The East Avenue Wegmans Redevelopment Project Int. No. 280 No speakers.

Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Nonconforming Uses Int. No. 301 3 speakers: David Ahl, John Lembach, Mary Coffee.

Amending Chapter 120 Of The Municipal Code, The Zoning Code Int. No. 301A No speakers.

Amending The Official Map By Accepting And Dedicating A Parcel To Street Purposes And Adding Said Parcel To Gould Street Int. No. 287 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

President Warren moved to amend Int. No. 305.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-235 and
Ordinance No. 2011-236

Re: Brooks Landing Revitalization Project

Transmitted herewith for your approval is legislation related to the Brooks Landing Revitalization Project. This legislation will:

1. Establish \$69,000 as maximum compensation for an agreement with LaBella Associates for the preparation of the State Environmental Quality Review (SEQR) and National Environmental Policy Act (NEPA) documents for the public park improvements and the proposed new development of the Brooks Landing site;
2. Amend Ordinance No. 2011-218 to increase compensation for the amendatory agreement with T.Y. Lin authorized therein by \$15,000; and
3. Authorize the issuance of bonds in the amount of \$84,000 and appropriation of the proceeds thereof to finance the cost of the agreements above.

Public Park Improvements and Brooks Landing Development. This phase of the Brooks Landing Project includes improvements at Genesee Valley Park (140-150 Elmwood Ave.), and the continued private redevelopment of the Brooks Landing site (1000 Genesee St. and 1500 S. Plymouth Ave.), which will include student housing, a restaurant, and a bank with a drive-through component.

The consultant will prepare the SEQR and NEPA documents for this project, relying on input from the City and Rochester Riverfront Properties (principal, Ron Christenson), the developer.

A request for qualifications was mailed directly to seven local firms and posted on the City website. Proposals were received from four Rochester firms: Stantec; Bergmann Associates; LaBella Associates; and MRB Group. Proposals were reviewed by a team of City staff including: Marcia Barry, Director of Planning and Zoning; James McIntosh, City Engineer; Dorraine Kirkmire, Manager of Zoning; Jason Haremza, Senior City Planner; Rick Rynski, Senior Economic Development Specialist; JoAnn Beck, Senior Landscape Architect, and Jeff Mroczek, Landscape Architect. Based on qualifications, experience, knowledge of the SEQR process, and their overall approach to the project, LaBella Associates was selected.

Amending Ordinance No. 2011-218. Additional

work was requested in late June for development of a concept plan to improve the public parkland and plaza on South Plymouth Avenue, including a stairway connection to the proposed private development. T.Y. Lin International shall conduct additional meetings; field work; provide design drawings, cost estimates; coordinate various utilities and agencies and overall project management. This amendment will increase the additional compensation authorized in June by \$15,000, from \$60,000 to a total of \$75,000. The total compensation authorized under this agreement is \$280,000.

The design is anticipated to be complete in spring 2013 with construction planned for summer 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-235
(Int. No. 2011-305, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Landing Revitalization Project And Amending Ordinance No. 2011-[255] 218

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

Section 1. The sum of \$69,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for environmental review of Phase II of the Brooks Landing Revitalization Project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. Ordinance No. 2011-[255] 218, relating to an amendatory professional services agreement between the City and T.Y. Lin International for additional design services for Phase II of the Brooks Landing Revitalization Project, is hereby amended by increasing the amount of maximum compensation authorized therein by \$15,000, from \$60,000 to \$75,000. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2011-236
(Int. No. 306)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$84,000 Bonds Of Said City To Finance The Additional Cost Of Improvements To Genesee Valley Park And Along Public Easements As Part Of The Brooks Landing Revitalization Project

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of improvements to Genesee Valley Park and along public easements at Brooks Landing, including but not limited to park, landscape and public art improvements, as part of the Brooks Landing Revitalization Project in the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,006,000. The plan of financing includes the issuance of \$84,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$60,000 bonds previously appropriated in Ordinance No. 2011-219, \$362,000 bonds previously appropriated in Ordinance No. 2007-182, \$500,000 in funds from a State Waterfront Revitalization Grant appropriated in Ordinance No. 2007-183, 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 \$84,000 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 \$84,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

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

for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
July 19, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 273 - Establishing Maximum Compen-

sation For A Professional Services Agreement For Federal Lobbying Services

Int. No. 274 - Authorizing An Agreement For Parking Garage Services

Int. No. 275 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 297 - Amending Ordinance No. 2011-230 And The Municipal Code With Respect To Shooting Ranges

Int. No. 298 - Local Law Amending The City Charter With Respect To The Retirement Reserve Fund

Int. No. 299 - Local Law Amending The City Charter With Respect To The Power To Fix Salaries

Int. No. 300 - Amending The Municipal Code With Respect To The Cost Of A Duplicate License

The following entitled legislation is being held in Committee:

Int. No. 296 - Amending The Municipal Code With Respect To Fines And Penalties For Violations

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-237
Re: Agreement - The Ferguson Group, Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$110,000 as maximum compensation for an agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The cost of this agreement will be funded from the 2011-12 Budget of the Mayor's Office. This amount includes a \$9,000 monthly fee (discounted from \$10,000 in 2010-11) and an annual allowance of \$2,000 for documented incidental expenses and travel. Such expenses billed for 2010-11 were \$875.

The Ferguson Group (TFG) has provided federal lobbying services for the City since December 2006. Highlights of their work with the City during the past year include:

- Advocating for grants awarded in spring 2011

- U.S. Fish and Wildlife Service Boating Infrastructure Grant (marina construction) - \$1,450,000

- U.S. Environmental Protection Agency brownfield grants - \$600,000

- Advocating for the City's grant application to the Economic Development Administration (EDA), including facilitating communications with senior EDA officials. A decision on the grant is expected this summer.

- Facilitating communications with HUD to ensure approval of the City's pending application for a Section 108 loan guarantee for the Midtown project.

- Working with the City to develop an effective strategy to facilitate discussions with the U.S. Coast Guard regarding the City's proposed acquisition of federal property to realign River Street near the Rochester Harbor.

- Preparing, submitting, and advocating for the inclusion of the City's priority projects in the Transportation Reauthorization bill and the Water Resources Development Act, which are currently pending in Congress.

Over the coming year, TFG will continue to work with the City on the following activities:

- Identify federal funding opportunities and assisting the City in pursuing and advocating for various federal grants and loans and other assistance;
- Assist the City in advocating for current funding applications pending before the EDA and HUD;
- Assist the City in working with the Coast Guard on facilitating the realignment of River Street;
- Advocate for the City's priorities to be included in legislation to reauthorize the nation's surface transportation law;
- Advocate for the City's priorities to be included in the next version of the Water Resources Development Act;
- Monitor federal legislation, regulations, and policies that will impact the City, and help the City effectively advocate on those matters.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-237
(Int. No. 273)

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

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

Section 1. The sum of \$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 The Ferguson Group LLC for the provision of Federal lobbying services. Said amount, shall be funded from the 2011-12 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. 2011-238
Re: Agreement - Allpro Parking, Staffing for City Parking Garages

Transmitted herewith for your approval is legislation establishing \$308,000 as maximum compensation for an agreement with Allpro Parking for customer service and light maintenance staffing. The source of funds is the 2011-12 Budget of the Department of Finance. The term of the agreement will be on a month-to-month basis, for a maximum of six months, while further details regarding their services are worked out.

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

However, it was decided that a shorter-term agreement would provide the needed flexibility should the City need to revert to outsourcing operations. An initial contract for these services was authorized by Council on August 17, 2010 (Ord. No. 2010-286). Allpro's performance during this period has been very good.

Allpro will continue to provide 540 hours of staffing per week to cover the six garages, and will include the following:

- Customer service, including:
 - on-site customer assistance for patron emergencies
 - payment machine instructions
 - traffic control
 - directions and general information to pedestrians and drivers

- Light maintenance, including:
 - replacing light bulbs
 - fixing broken gate arms
 - clearing debris from drains
 - touching up paint on curbs and equipment
 - cleaning vehicle spills
 - assisting with snow removal

Garages are staffed from 12-14 hours weekdays, depending on the garage; two garages are also staffed for 8-10 hours on Saturdays. Staffing for special events beyond normal hours will be billed at an hourly rate (\$12.43 for customer service; \$14.00 for supervisors). A total of \$20,000 is included in the agreement for this purpose.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-238
(Int. No. 274)

Authorizing An Agreement For Parking Garage Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Allpro Parking, LLC for customer service staffing and light maintenance in six City parking garages on a month-to-month basis, not to exceed six months.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$308,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 Budget of the Department of Finance (Parking Fund).

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. 2011-239
Re: Appraisal Services

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following firms for appraisal services during 2011-12 as needed by departments.

Department of Neighborhood and Business Development

<u>Firm</u>	<u>Amount</u>
Bruckner, Tillett, Rossi, Cahill & Associates	\$ 7,500
Pogel, Schubmehl & Ferrara, LLC	7,500

Midland Appraisal Associates, Inc	7,500
Total	\$22,500

Source of funds: 2011-12 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, and other property transactions.

Law Department

Firms: Midland Appraisal Associates, Inc.; Bruckner, Tillett, Rossi, Cahill & Associates; Pogel, Schubmehl & Ferrara, LLC

Maximum Aggregate Compensation: \$20,000

Source of funds: 2011-12 Budget of the Law Department

Purpose: Appraisal services for assessment and other legal proceedings.

Assignment of firms will be based on work load and specific needs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-239
(Int. No. 275)

Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

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

Section 1. The sum of \$7,500 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc. and Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Department of Neighborhood and Business Development. Said amounts shall be funded from the 2011-12 Budget of the Department of Neighborhood and Business Development.

Section 2. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Law Department. Said amount shall be funded from the 2011-12 Budget of the Law Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 296,
Ordinance No. 2011-240,
Local Law No. 7,
Local Law No. 8 and
Ordinance No. 2011-241

Re: Technical Amendments

Transmitted herewith for your approval is legislation making technical amendments to the City Charter and Municipal Code and a previous ordinance as follows:

1. Amend Section 13A-11 of the Municipal Code to increase penalties in the Municipal Code Violations Bureau for various code violations relating to businesses. The current violations are too low to be a deterrent to violations. The new penalties will be consistent with the penalties for Noise Code and Shooting Range violations. Approval of the City Court Judges is also required.
2. Amend Ordinance No. 2011-230, which adopted the Shooting Range amendments, to change the effective date to August 1, 2011. This item had been held in Committee before passage and inadvertently still contained an expired effective date.
3. Amend Section 13A-2 of the Municipal Code to add Chapter 99, Shooting Ranges, to the list of violations heard in the Municipal Code Violations Bureau.
4. Amend Section 6-42 of the City Charter so that the Retirement Reserve Fund conforms to the purpose approved in Ordinance No. 2011-185, to assist in managing projected increases in retirement costs. This will remove a current restriction that the Fund only be used for "nonrecurring" retirement costs.
5. Amend Section 2-12 of the City Charter to provide that the Council shall fix the salary of the Mayor, but the salary of the Deputy Mayor shall be set by the Mayor, as are the salaries of other officers and employees, and as already set forth in Section 13-1 of the Municipal Code.
6. Amend Section 68-7 of the Municipal Code to provide that the fee for a duplicate license shall be \$10, instead of \$1. The \$10 fee is already set in most of the specific licensing code sections.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 296

AMENDING THE MUNICIPAL CODE WITH RESPECT TO FINES AND PENALTIES FOR VIOLATIONS

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 amending subsection G to read in its entirety as follows:

- G. Fines and penalties for any violation of Chapter 29, Amusements; Chapter 46, Dance Halls; Chapter 62, Commercial Travelers, Solicitors and Special Promotional Events; Chapter 96, Secondhand Dealers; Chapter 98, Sexually Oriented Businesses; Chapter 108, Taxicabs, and Chapter 108A, Towing, of the Municipal Code, shall be as follows:

	Initial Penalty	Penalty Upon Default
First offense	\$200	\$400
Second offense	\$400	\$800
Third and subsequent offenses	\$600	\$1,200

Section 2. This ordinance shall take effect on September 1, 2011.

Held in Committee.

Ordinance No. 2011-240
(Int. No. 297)

Amending The Municipal Code And Ordinance No. 2011-230 With Respect To Shooting Ranges

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

Section 1. Section 13A-2 of the Municipal Code, relating to the jurisdiction of the Municipal Code Violations Bureau, as amended, is hereby further amended by adding to the chart contained therein the Code Reference "Chapter 99" and the Type of Regulation "Shooting Ranges".

Section 2. Ordinance No. 2011-230, amending the Municipal Code with respect to Shooting Ranges, is hereby amended by changing the effective date thereof from February 14, 2011 to August 1, 2011.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Local Law No. 7
(Int. No. 298)

Local Law Amending The City Charter With Respect To The Retirement Reserve Fund

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 6-42, Retirement Reserve Fund, to read in its entirety as follows:

§ 6-42. Retirement Reserve Fund.

The Retirement Reserve Fund is continued with the moneys contained therein. Payments from such fund, including any income and interest earned, shall be made solely for debt service on bonds funding retirement payments for City employees and the payment of retirement costs of City employees.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 8
(Int. No. 299)

Local Law Amending The City Charter With Respect To The Power To Fix Salaries

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the first sentence of Section 2-12, Power to fix salaries, to read in its entirety as follows:

The Council shall have power to fix the salary of the Mayor.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-241
(Int. No. 300)

Amending The Municipal Code With Respect To The Cost Of A Duplicate License

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

Section 1. Section 68-7 of the Municipal Code, Issuance of duplicate licenses, as amended, is hereby further amended by changing the fee set therein for a duplicate license from \$1 to \$10.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
July 19, 2011

To the Council:

The Neighborhood & Business Development

Committee recommends for adoption the following entitled legislation:

Int. No. 276 - Authorizing The Sale Of Real Estate

Int. No. 277 - Approving The Reacquisition Of Land In The Rochester Science Park

Int. No. 278 - Adopting Environmental Findings For The East Avenue Wegmans Redevelopment Project

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

Int. No. 279 - Amending The Official Map By Acquiring And Dedicating Parcels To Street Purposes As Part Of The East Avenue Wegmans Redevelopment Project

Int. No. 280 - Amending The Official Map By Abandonment Of A Bartholomew Line And Portions Of University Avenue Between Probert Street And North Winton Road And Authorizing Their Sale As Part Of The East Avenue Wegmans Redevelopment Project

The following entitled legislation is being held in Committee:

Int. No. 301 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Nonconforming Uses

Int. No. 301A - Amending Chapter 120 Of The Municipal Code, The Zoning Code

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-242
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 14 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 property is a vacant, mixed-use structure being sold by proposal at appraised value. The purchaser will develop the property as an office

with two residential apartments.

The next four properties are vacant lots sold by proposal. The first lot is being sold to its adjacent owner who will combine it with their current lot. The remaining three parcels are being purchased by the Greater Rochester Housing Partnership for the purpose of building single-family homes on each lot. These homes will be sold to owner-occupant, first-time buyers.

The next nine properties are unbuildable vacant lots; they are each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these fourteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,900.

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

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-87

Ordinance No. 2011-242
(Int. No. 276)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcel of improved property with proposal:

Table with 4 columns: Address, Lot Size, Sq. Ft., Price. Row 1: 124 Lyell Av, 41x53, 2,173, \$2,100. Row 2: 105.68-1-80.1, RDF Property Solutions, LLC*

*Board Members: Richard Fenwick, Sole Proprietor

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

Table with 4 columns: Address, Lot Size, Sq. Ft., Price. Row 1: 305 Selye Ter, 40x116, 4,640, \$450. Row 2: 090.81-2-26, Charles & Rennetta Smith. Row 3: 179 N. Union St, 52x130, 6,696, \$475. Row 4: 106.74-1-22.2, Greater Rochester Housing Partnership**

115 Weld St 106.73-2-22.1	66x130	8,580	\$525
	Greater Rochester Housing Partnership**		
126 Weld St 106.74-1-69	33x130	4,356	\$425
	Greater Rochester Housing Partnership**		

** Board Members: Jean Lowe, President; Judy Seil representing County Executive Maggie Brooks; Bret Garwood representing Mayor Thomas Richards; Richard Mueller, Member; Ann McCormick, Member; George Mackey, Member; Loren Ranaletta, Member; Cassandra Claboine, Member; Clint Campbell, Member; James Goff, Member; Shelia James, Member; Patrick Tobin, Member; Julio Vazquez, Member; Gerald Van Strydonck, Member

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>Sq. Ft.</u>	<u>Purchaser</u>
741 Harvard St 122.54-3-2	40x14	435	John Martin & Irene Aiztrauts
Pt. of 755 Harvard St Pt. of 122.54-3-6	45x23	1,035	Thomas & Linda Hasman
Pt. of 789 Harvard St Pt. of 122.54-3-12	45x23	1,035	Georgette Lesnak
807 Harvard St 122.54-3-16	45x24	1,306	Peter & Mary Versprille
Pt. of 925 Harvard St Pt. of 122.54-3-41	45x29	1,305	David & Irene Burnet
30 Kohlman St 091.78-3-15	37x142	3,900	Isse & Khahja Abukar
Pt. of 203 Orange St (WH) Pt. of 105.83-3-50	17x163	2,866	Richard Maira
Pt. of 263 Richard St Pt. of 121.67-3-24.1	35x21	762	Omer & Carol Carmel
590 Tremont St 120.51-2-70	40x60	2,400	Mary Walker

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. 2011-243
Re: Reacquisition of Land -
250 Science Parkway

Transmitted herewith for your approval is legislation authorizing the reacquisition of approximately 3.74 acres of land at 250 Science Parkway from Parkway Real Estate, LLC (d/b/a Columbia Analytical Services, Inc.), for a maximum amount up to \$224,400. This amount will be financed from past years' Cash Capital allocations.

Columbia Analytical Services, Inc. (CAS), currently located at 1 Mustard Street, Rochester, acquired the land from the City in 2008 for the construction of a new facility. However, based on cost consideration, the firm has since decided to lease an existing facility in the Town of Henrietta.

When the parcel was sold, the City retained the right to repurchase it for the original price paid, \$224,400, less any reacquisition costs and any unpaid taxes and charges. It is anticipated that closing costs will not exceed \$1,000, which will allow for adjustment of any prepaid taxes.

This parcel, located within the Rochester Science Park, is shovel-ready. Regaining ownership will provide the City an important asset in attracting development opportunities.

Ordinance No. 2008-310 authorized the sale of 220 and 250 Science Parkway to CAS Real Estate, Inc., and was subsequently amended (Ord. No. 2009-122) to change the name of the purchaser to Parkway Real Estate, LLC, and to combine parcels 220 and 250 Science Parkway into a single parcel identified as 250 Science Parkway.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-243
(Int. No. 277)

Approving The Reacquisition Of Land In The Rochester Science Park

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

Section 1. The Council hereby approves the reacquisition of 250 Science Parkway in the Rochester Science Park from Parkway Real Estate, LLC for an amount not to exceed \$224,400. Said amount, plus necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-244,
Ordinance No. 2011-245 and
Ordinance No. 2011-246
Re: Official Map Amendment -
1760-1830 East Avenue and

1765 University Avenue

Transmitted herewith for your approval is legislation relating to actions needed to facilitate the East Avenue Wegmans Redevelopment project at 1750-1830 East Avenue and 1765 University Avenue. This legislation will:

1. Adopt the Findings Statement (attached) resulting from the environmental review process, as required by Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code.
2. Authorize the acquisition of three corner parcels for a total of \$3,000. The parcels are located at the southeast corner of University Avenue and Probert Street, the northeast corner of East Avenue and Probert Street at 1760 East Avenue, and the northwest corner of East Avenue and N. Winton Road at 1830 East Avenue. This amount will be credited to the sale of portions of the right-of-way (ROW) described below.
3. Amend the Official Map by:
 - a. Dedicating as public ROW for handicap ramp purposes the parcels described above;
 - b. Abandoning portions of the public ROW along the south ROW line of University Avenue between Probert Street and N. Winton Road; and
 - c. Abandoning a portion of the Bartholomew Line along the south ROW line.
4. Approve the sale of portions of the former University Avenue ROW to Wegmans Enterprises, Inc. for its appraised value of \$35,300, as determined by an independent appraisal conducted by Kevin L. Bruckner, MAI.

The existing Wegmans Food Market at 1760 East Avenue and neighboring properties at 1776-1812 East Avenue will be demolished to construct a 95,000 square foot Wegmans Food Market with related parking and landscaping. The ROW dedications are necessary for installation of public improvements. The ROW abandonments, including the abandonment of the Bartholomew Line, are necessary to align the south property line to facilitate building and parking lot development.

A public hearing on the Official Map Amendments is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-88

Ordinance No. 2011-244
(Int. N. 278)

Adopting Environmental Findings For The East Avenue Wegmans 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 East Avenue Wegmans Redevelopment Project as submitted by the Manager of Zoning for the Lead Agency, which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-245
(Int. No. 279)

Amending The Official Map By Acquiring And Dedicating Parcels To Street Purposes As Part Of The East Avenue Wegmans Redevelopment Project

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to the southeast corner of University Avenue and Probert Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Wegmans Food Markets, Inc. - East Avenue, Parcel To Be Conveyed To City of Rochester", prepared by Costich Engineering, P.C., having Drawing No. 2781 VE-100, dated 3/31/2011, being more particularly bounded and described as follows:

Beginning at the intersection of the southerly bounds of University Avenue (R.O.W. varies) and the easterly bounds of Probert Street (49.5' R.O.W.), said point of beginning having New York State Plane Coordinates (NAD 83) of North 1148376.517 and East 1421922.017; thence

1. Easterly along a curve to the left, having a delta angle of 00°14'15", a radius of 2,895.00 feet, an arc length of 12.00 feet, and a chord of S69°50'16"E 12.00 feet to a point; thence
2. S65°22'35"W, a distance of 17.03 feet to a point; thence
3. N20°35'25"E, along said easterly bounds of Probert Street, a distance of 12.00 feet to the point and place of beginning. Containing 0.002 acres of land, more or less.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to the northeast corner of East Avenue and Probert

Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Wegmans Food Markets, Inc. – East Avenue, Parcel To Be Conveyed To City of Rochester", prepared by Costich Engineering, P.C., having Drawing No. 2781 VE-101, dated 4/1/2011, being more particularly bounded and described as follows:

Beginning at the intersection of the northerly bounds of East Avenue (66' R.O.W.) and the easterly bounds of Probert Street (49.5' R.O.W.), said point of beginning having New York State Plane Coordinates (NAD 83) of North 1148071.460 and East 1421807.412; thence

1. N20°35'25"E, along said easterly bounds of Probert Street, a distance of 12.00 feet to a point; thence
2. S25°40'15"E, a distance of 16.59 feet to a point; thence
3. N71°55'55"W, along said northerly bounds of East Avenue, a distance of 12.00 feet to the point and place of beginning. Containing 0.002 acres of land, more or less.

Section 3. 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 northwest corner of East Avenue and North Winton Road:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Wegmans Food Markets, Inc. – East Avenue, Parcel To Be Conveyed To City of Rochester", prepared by Costich Engineering, P.C., having Drawing No. 2781 VE-102, dated 4/1/2011, being more particularly bounded and described as follows:

Beginning at the intersection of the northerly bounds of East Avenue (66' R.O.W.) and the westerly bounds of North Winton Road (83' R.O.W.), said point of beginning having New York State Plane Coordinates (NAD 83) of North 1147810.103 and East 1422608.540; thence

1. N71°55'55"W, along said northerly bounds of East Avenue, a distance of 12.00 feet to a point; thence
2. N64°40'18"E, a distance of 17.44 feet to a point; thence
3. S21°16'30"W, along said westerly bounds of North Winton Road, a distance of 12.00 feet to the point and place of beginning. Containing 0.002 acres of land, more or less.

Section 4. The Council hereby approves the

acquisition of the parcels to be dedicated from Wegmans Enterprises, Inc. for the sum of \$3,000 as a part of the East Avenue Wegmans Redevelopment Project, which amount may be credited against the amount Wegmans owes to the City for the acquisition of City-owned parcels along University Avenue. The dedications shall take effect upon acquisition of the parcels by the City.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-246
(Int. No. 280)

Amending The Official Map By Abandonment Of A Bartholomew Line And Portions Of University Avenue Between Probert Street And North Winton Road And Authorizing Their Sale As Part Of The East Avenue Wegmans Redevelopment Project

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

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

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Wegmans Food Markets, Inc. – East Avenue, Parcel To Be Conveyed By City of Rochester", prepared by Costich Engineering, P.C., having Drawing No. 2781 VE-103, dated 4/1/2011, being more particularly bounded and described as follows:

Commencing at the intersection of the southerly bounds of University Avenue (R.O.W. varies) and the easterly bounds of Probert Street (49.5' R.O.W.), said point of commencement having New York State Plane Coordinates (NAD 83) of North 1148376.517 and East 1421922.017; thence

- A. Easterly, along said southerly bounds of University Avenue and along a curve to the left, having a delta angle of 02°36'33", a radius of 2895.00.00 feet, an arc length of 131.84 feet, and a chord of S71°01'26"E 131.84 feet to a point; thence
- B. S72°19'43"E, along said southerly bounds of University Avenue, a distance of 8.31 feet to the point and place of beginning; thence
 1. S72°19'43"E, along the proposed southerly bounds of University Avenue, a distance of 134.82 feet to a point; thence

2. S20°35'25"W, a distance of 10.01 feet to a point; thence
3. N72°19'43"W, a distance of 134.82 feet to a point; thence
4. N20°35'25"E, a distance of 10.01 feet to the point and place of beginning. Containing 0.031 acres of land, more or less.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described parcel, heretofore dedicated to street purposes and constituting a portion of University Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, all as shown on a map entitled "Wegmans Food Markets, Inc. - East Avenue, Parcel To Be Conveyed By City of Rochester", prepared by Costich Engineering, P.C., having Drawing No. 2781 VE-104, dated 4/1/2011, being more particularly bounded and described as follows:

Beginning at a point on the southerly bounds of University Avenue (R.O.W. varies), said point being at the northerly end of the right-of-way chamfer between the westerly bounds of North Winton Road and said southerly bounds of University Avenue, said point of beginning having New York State Plane Coordinates (NAD 83) of North 1148105.891 and East 1422715.899; thence

1. Westerly, along said southerly bounds of University Avenue and along a curve to the left, having a delta angle of 04°16'13", a radius of 1,393.00 feet, an arc length of 103.82 feet, and a chord of N70°11'36"W 103.80 feet to a point; thence
2. N72°19'43"W, along said southerly bounds of University Avenue, a distance of 142.36 feet to a point; thence
3. N20°35'25"E, along said southerly bounds of University Avenue, a distance of 6.45 feet to a point; thence
4. S72°19'43"E, a distance of 142.03 feet to a point; thence
5. Along a curve to the right having a delta angle of 04°00'03", a radius of 1,399.45 feet, and an arc distance of 97.72 feet, said curve also having a chord of S70°19'42"E 97.70 feet to a point; thence
6. S23°43'23"E, a distance of 9.20 feet to the point and place of beginning. Containing 0.036 acres of land, more or less.

Section 3. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the

following Bartholomew Line along the south right-of-way line of University Avenue between Probert Street and North Winton Road:

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:

It is the intent of this description to describe the remaining portion of the Bartholomew Line along the southerly side of University Avenue between the easterly bounds of Probert Street (49.5' R.O.W.) and the westerly bounds of North Winton Road (83' R.O.W.). As a result of prior right-of-way acquisitions and proposed abandonments the entire Bartholomew line along the southerly side of University Avenue between the easterly bounds of Probert Street (49.5' R.O.W.) and the westerly bounds of North Winton Road (83' R.O.W.) will be released.

Section 4. The abandonments authorized herein shall take effect upon the applicant providing an easement to the Rochester Gas and Electric Corporation for gas facilities within the abandonment parcel in Section 2, as approved by the City Engineer.

Section 5. Upon abandonment of the portions of University Avenue as authorized herein, the Council hereby approves the sale of the City-owned abandonment areas to Wegmans Enterprises, Inc. for the sum of \$35,300 as part of the East Avenue Wegmans Redevelopment Project, which amount may be credited by the sum of \$3,000 to reflect the cost of parcels the City is acquiring from Wegmans as a part of this Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 301-A from Committee.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember Palumbo moved to amend Int. No. 301-A.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following vote:

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

Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 301 and
Ordinance No. 2011-247

Re: Amending the Zoning Code - Nonconforming
Use Regulations and Other Various Code
Changes

Transmitted herewith for your approval is legislation amending Chapter 120, the Zoning Code of the City of Rochester, regarding nonconforming use regulations by deleting Sections 120-182 E(2)(g) and Article XXIV and replacing it with a new Article XXIV. This will also require minor modifications to other various sections of the Code.

The provisions adopted in 2002 related to nonconforming uses have been difficult to enforce and have not resulted in the intended outcomes. The down-zoning to R-1 Low Density Residential for a substantial portion of residential neighborhoods was hoped to create a greater percentage of owner-occupied structures, and therefore, healthier neighborhoods. Instead, it has resulted in thousands of nonconforming uses with subsequent, unintended significant implementation issues. Reports prepared by the Zoning Office in 2005 and 2011 document the difficulties and recommend a more realistic approach, requiring an overhaul of the regulations.

There are approximately 760 privately-owned, vacant residential nonconforming uses in the city (this number excludes vacant mixed-use and other nonresidential nonconforming buildings). Currently, these properties are subject to losing any nonconforming residential rights following a nine-month period of discontinuance of use. Loss of these rights, and requiring owners to conform to R-1 and R-2 standards, severely limits the marketability of these properties.

The reliance solely on the nine-month vacancy period does not allow for consideration of extenuating conditions such as size of the structure, condition of a property, a property owner's right to keep a property vacant while still maintaining property conservation codes, real estate market conditions, rehabilitation efforts underway, and structural changes which make deconversion difficult or unreasonable.

The proposed code amendment will include a conditions analysis prior to determining the loss of nonconforming use rights. Properties that are maintained and have a valid certificate of occupancy will not lose their nonconforming use rights. However, when a property has been vacant for over nine months and has no valid certificate of occupancy, the property will be subject to a condition analysis, which will assess the degree of damage that would prohibit the re-use of the nonconforming residential use.

An implementation strategy will be developed to ensure effectiveness of this condition-based change to the Code, and will reinforce current practices for the management of vacant properties.

The proposed legislation also includes the following changes:

- Deletion of the certificate of nonconformity review process from the Code. Nonconformities will be reviewed through the certificate of zoning compliance process;
- Nonconforming *nonresidential* uses will still be subject to the nine-month discontinuance provisions. However, the review of requests to reestablish nonconforming uses will transfer from the Planning Commission to the Zoning Board of Appeals.
- The reestablishment of nonconforming nonresidential uses will be subject to level-of-intensity review by the Zoning Board. In addition, special standards have been developed to assist the Zoning Board in making decisions on the appropriateness of a proposed use.
- Additional amendments to the Zoning Code were identified by staff for consistency, clarification, and correction, including:
 - R-1 and C-V graphics changes
 - M-1 permitted and specially permitted use listings
 - Location requirements for permanent and temporary handicapped access facilities
 - Fencing in village-center districts
 - Drive-through parking requirements
 - Window sign limitations
 - Center City District sign review
 - Site Plan Review thresholds
 - Preservation Board authority
 - The definition of patio

The Planning Commission held informational meetings on these changes on March 14, April 11, and June 13, 2011. There were seven speakers overall who raised concerns with changes to the nine-month abandonment provisions for nonconforming residential uses as they relate to requiring deconversions as an inducement for owner-occupancy in the North Winton, Beechwood, and Maplewood neighborhoods. By a vote of 5-0-0, the City Planning Commission is recommending approval to City Council.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as Unlisted.

A public hearing on the Zoning Code Amendments is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 301

AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, THE ZONING CODE, WITH RESPECT TO NONCONFORMING USES

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- 1) Delete §120-182E(2)(g), Jurisdiction of the Director of Planning and Zoning, and reletter (h) through (j).
- 2) Add a new §120-189D(1)(m), Listing of actions requiring a Certificate of Zoning Compliance:
 - (m) Reestablishment of nonconforming use of an abandoned or discontinued use, structure, lot or sign.
- 3) Delete §120-191B, pertaining to Certificates of Nonconformity, and reletter C and D.
- 4) Delete §120-192B(3)(c), relating to special permit requirements to reestablish an abandoned nonconforming use, and reletter (d) and (e).
- 5) Amend §120-195B(4)(a) Procedures approved by the Zoning Board of Appeals by adding the reestablishment of an abandoned or discontinued nonconforming use:

Add §120-195B(4)(a)[6]

- [6] Reestablishment or change of use of an abandoned or discontinued nonconforming nonresidential structure ~~to a use of equal or less intensity~~ subject to the additional considerations set forth in Section 120-199F(2)(b).
- 6) Amend ARTICLE XXIV, Nonconforming Uses, Structures, Lots and Signs to read in its entirety as follows:

§ 120-198. Purpose.

The purpose of this article is to regulate nonconforming uses, structures, lots and signs as per the following:

- A. The zoning districts established by this chapter are designed to guide the future use of the City's land by encouraging the development of desirable residential, commercial and industrial areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare.
- B. The continued existence of certain nonconformities is frequently inconsistent

with the Comprehensive Plan and thus the gradual elimination of such nonconformities is often desirable. Other nonconformities may continue to exist and afford adaptive reuse opportunities that can contribute to neighborhood character, diversity and services.

- C. The regulations of this article are intended to restrict further investments that would make nonconformities more permanent in their location in inappropriate districts, particularly in instances where there has been significant damage, deterioration or destruction to a nonconforming use.
- D. Restrictions and standards are established for nonconforming uses of land and of structures designed for a permitted use; nonconforming uses of structures not designed for a permitted use; nonconforming structures; nonconforming lots of record; and nonconforming signs.
- E. In the cases of nonconforming signs, where the degree of incompatibility is frequently great, the investment comparatively small, and the economic life short, elimination of the nonconformity is required after a period of discontinuance, change of business or substantial damage. In the case of advertising signs, a reasonable amortization period is allowed.
- F. In the case of a change of use from one nonconforming use to another, these regulations are intended to maintain comparable or reduced levels of intensity to prevent negative impacts to adjoining neighborhoods.

120-199. Nonconforming use.

- A. Continuance. Any lawfully existing nonconforming use may be continued so long as it remains otherwise lawful, subject to the regulations contained in this section. Ordinary repair or maintenance of a non-substantial nature may be performed except as otherwise prohibited per 120-199C.
 - (1) The owner of any nonconformity may at any time apply to the Director of Planning and Zoning for a certificate of zoning compliance to establish the legality of nonconformity as of a specified date. Such application shall contain such information as may be required by the Director.
 - (2) Upon reviewing an application for a certificate of zoning compliance, the Director of Planning and Zoning shall determine if the required doc-

uments and proof are in order and determine if the nonconformity:

- (a) Was lawfully existing at the time of the adoption of the provision creating the nonconformity in question;
 - (b) Is a nonconforming use in a structure not designed for a use permitted in the district that has been in continuous use since its establishment with no period of discontinuance causing abandonment, except as authorized pursuant to § 120-199G, and is not in violation of any other provisions of this chapter;
 - (c) Is a proposed change in use that is of equal or less intensity than the legally existing nonconformity as set forth in §120-199F.
 - (d) Has not been significantly damaged or destroyed ~~or in deteriorated condition as to have rendered the use damaged less than the percentages of the cost of replacement new as set forth in §120-199C and 120-200C.~~
 - (e) Is a vacant nonconforming use in a structure designed for a use permitted in the district that has not been substantially damaged or destroyed by fire, vandalism, neglect, water damage or any other means as set forth in §120-199C.
- (3) The Director of Planning and Zoning shall issue a certificate evidencing such facts and setting forth the nature and extent of the nonconformity; otherwise, the Director of Planning and Zoning shall decline to issue such certificate and shall declare such building, structure or sign to be in violation of this chapter.
 - (4) Certificate issued based on false information. Any certificate of zoning compliance issued for a nonconformity based on false information submitted by the applicant shall be null and void.
- B. Structural alteration or enlargement. No structure containing a nonconforming use shall be structurally altered or enlarged unless the use thereof shall thereafter conform to the regulations of the zoning district in which it is located. No parking, yard, space or bulk nonconformity may be created or increased.

C. Damage or destruction

- (1) When a nonconforming use in a structure is substantially damaged or destroyed by fire, vandalism, neglect, water damage or any other means, to the extent that significant reinvestment shall be required to restore the preexisting nonconforming use to a viable and code compliant condition, as determined by the ~~Commissioner~~ Director of Planning and Zoning or his/her designee, the structure shall not be restored unless its use thereafter conforms to the use regulations of the zoning district in which it is located. Such repair to restore nonconforming use shall require a use variance approval from the Zoning Board of Appeals.
- (2) In the event a nonconforming building or use, which is allocated the low-income housing tax credit pursuant to the Internal Revenue Code of 1986, as amended, shall be damaged or destroyed, such nonconforming building or use shall be able to be rebuilt or continued, as applicable, maintaining, but not increasing, any nonconformities relating to parking, yard, space or any other bulk requirements.

D. Moving. No nonconforming structure, structure containing a nonconforming use or nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire nonconforming structure, structure containing a nonconforming use or nonconforming use of land shall conform to all regulations of the zoning district in which the structure or use is located.

E. Expansion of use. No use shall be expanded or enlarged. Such prohibited activity shall include, but shall not be limited to:

- (1) Expansion of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this chapter, or any amendment hereto which causes such use to become nonconforming.
- (2) Expansion of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this chapter, or any amendment to this chapter which causes such use to become nonconforming. Except a nonconforming use located in a

structure not designed for any use permitted in the district in which such structure is located may be extended throughout any part of such structure; provided, however, that such expansion shall not be allowed unless off-street parking and loading spaces required for such expansion can be, and are, provided in accordance with the requirements and restrictions of Article XX of this chapter.

F. Change in use or intensity.

(1) A nonconforming use in a structure designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the property is located.

(2) A nonconforming use in a structure not designed for a use permitted in the district in which it is located shall not be changed to any use other than a nonconforming use of the same or a more restricted classification and of the same or lesser level of intensity and impact or to a use permitted in the zoning district in which the structure is located.

(a) Intensity of a legally existing nonconforming use in a structure not designed for a use permitted in the district. The owner of any such nonconformity may apply to the Director of Planning and Zoning for a certificate of zoning compliance for a determination of the level of intensity of a proposed or existing use. The Director shall consider the following in determining the intensity of a use:

- [1] The provisions of the zoning district which would first permit the establishment of a particular use as of right;
- [2] Floor area;
- [3] Previously approved, permitted or historic hours of operation;
- [4] Volume and type of sales;
- [5] Type of processing or manufacturing activity;
- [6] Nature and location of storage;
- [7] Transportation character-

istics (vehicular and pedestrian);

- [8] Parking and loading characteristics;
- [9] Noise, smoke, odor, glare, vibration, radiation and fumes, and the like;
- [10] The built-as purpose of the existing structure (i.e.: industrial, commercial, residential, institutional, vehicle related.)

In the case where a proposed use is determined to be more intensive than the prior use, the Director shall determine the benefits of the proposed use and whether said use complies with five of the six guidelines set forth in §120-199F(2)(b).

(b) Intensity of an abandoned nonconforming use in a structure not designed for a use permitted in the district. The owner of a nonresidential nonconforming use which has been abandoned as a result of a period of discontinuance or abandonment for nine months or more may apply to the Zoning Board of Appeals for an area variance to reestablish a prior or proposed use. ~~The proposed use shall be the same or less intensity than the prior use as set forth in 120-199F above.~~ In addition to the standards set forth Section 120-195 for an area variance, the Zoning Board shall consider the following in assessing the level of intensity of a proposed use as set forth in §120-199F(2). In the case where a proposed use is determined to be more intensive than the prior use, the Zoning Board may shall determine that whether the benefits of a proposed use may outweigh the potential impacts of an increase in intensity. Such use shall comply with at least five of the six guidelines:

- [1] The building is a designated building of historic value;
- [2] The condition and/or economic life of the building or structure may justify the proposed reinvestment;
- [3] The ~~potential~~ proposed

use of the building shall will provide neighborhood services;

- [4] The ~~potential~~ proposed use may provide employment opportunities in the neighborhood;
 - [5] The proposed use will not contribute to a concentration of similar uses within a neighborhood thereby contributing to cumulative negative impacts;
 - [6] The proposed rehabilitation plan for the project will contribute to the neighborhood and will be completed in a timely fashion.
- (3) Once changed to a permitted use, to a more restrictive and less intensive use in accordance with Subsection F(1) and (2) above or to an unapproved use of greater intensity, the use shall not be changed back to the prior nonconforming use. The use is deemed changed when an existing nonconforming use is terminated and a new use commences and continues for a period of seven consecutive days, including any change of use in violation of this subsection.

G. Abandonment of discontinuance.

- (1) When the active operation of all or a portion of a nonresidential nonconforming use is discontinued or abandoned for a period of nine consecutive months or a nonconforming use has been deemed changed when an preexisting nonconforming use is terminated and a new use commences and continues for a period of seven consecutive days, regardless of any intent to resume or not to abandon the prior use, the use or portion thereof shall not be reestablished or resumed. The active operation of a use shall be the typical or normal activities associated with the use. In the case of abandonment or discontinuance of all of a nonconforming use, any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such structure is located. In the case of abandonment or discontinuance of a portion of a nonconforming use, the remaining occupied portion of the nonconforming use may continue subject to the provisions of this subsection.

- (a) Proof of abandonment. The owner of any nonconforming use in a structure not designed for a use permitted in the district may apply to the Director of Zoning for a certificate of zoning compliance to establish by relevant and credible evidence that the use has not been discontinued or abandoned. For the purpose of this section, the Director of Planning and Zoning shall consider the following circumstances, which shall not be exclusive, ~~which shall contribute towards~~ as evidence of discontinuance or abandonment of a use:
 - [1] Failure to maintain regular business hours, typical or normal for the use (past operations of the use and/or industry standards shall be evidence of typical or normal hours); or
 - [2] Failure to maintain equipment, supplies or stock-in-trade which would be used for the active operation of the use; or
 - [3] Failure to maintain utilities which were typical of the active operation of the use; or
 - [4] Failure to pay taxes, including but not limited to sales taxes, workers' compensation taxes, corporate taxes, etc., that would be required for the active operation of the use; or
 - [5] Failure to maintain required local, state, permits or federal licenses or other approvals that would be required for the active operation of the use. The failure of the City or other governmental agencies to issue any licenses, permits or approvals shall not excuse this requirement unless the failure was due to the sole fault of the City or governmental agency.

- (2) Any period of discontinuance caused by government actions, strikes, material shortages or forces of nature, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection,

except that any period of discontinuance ordered by the City or a court of law because of Municipal Code violations or failure to act shall be included in calculating the length of discontinuance of this subsection.

- (3) When the active operation of a nonconforming use in a structure designed for a use permitted in the district is discontinued or abandoned for a period of nine consecutive months and the owner of said nonconformity has failed to maintain a current certificate of occupancy, the owner of said nonconformity shall be required to obtain a certificate of zoning compliance to establish by relevant and credible evidence that the use has not been substantially damaged or destroyed per § 120-199C. If a determination is made pursuant to Section 120-199C that the structure is substantially damaged, deteriorated or destroyed, the structure shall be required to conform to the use regulations of the zoning district in which it is located.
 - (4) When the active operation of a nonconforming use in a structure designed for a use permitted in the district is discontinued but the certificate of occupancy for such use has not expired nor been canceled or a certificate of occupancy is actively being pursued, such nonconforming use shall not be subject to abandonment or discontinuance unless damage, deterioration or destruction is confirmed pursuant to Section 120-199C.
 - (5) The legality of one or more nonconforming uses located within a property shall not affect the determination that another nonconforming use on the same property has been discontinued or abandoned.
- H. Nonconforming accessory uses, structures and signs. No nonconforming use, structure or sign that is accessory to a principal use or structure shall continue after such principal use or structure has been discontinued, abandoned or removed, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.
- I. Outdoor activities and operations. All business operations and all manufacturing or processing activities other than those conducted by a use that is nonconforming on the effective date of this chapter or which is rendered nonconforming by any amendment to this chapter shall be conducted within a com-

pletely enclosed building.

§ 120-200. Nonconforming buildings or structures.

- A. Continuance. Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in this section.
- B. Enlargement, repair or alterations. Any nonconforming structure may be enlarged, maintained, repaired or altered, provided no additional nonconformity is created nor is the degree of the existing nonconformity increased.
- C. Damage or destruction.
 - (1) In the event that any part of a nonconforming structure which contributed to its nonconformity is damaged or destroyed, by any means, to the extent of more than 75% of the cost of replacement of said part new, such part shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located.
 - (2) In the event a nonconforming structure which is allocated the low-income housing tax credit pursuant to the Internal Revenue Code of 1986, as amended, shall be damaged or destroyed, such nonconforming structure shall be able to be rebuilt or continued, as applicable, maintaining, but not increasing, any nonconformities relating to parking, yard, space or any other bulk requirements.
 - (3) Within one year after the date of the damage or destruction of any part of a nonconforming use or nonconforming structure, a certificate of zoning compliance shall be submitted containing credible and relevant evidence of the extent of damage and the cost of rehabilitation and new construction, for a determination of the percent of damage.
- D. Moving. No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

§ 120-201. Nonconforming lots of record.

In any district, excluding in which single-family dwellings are a permitted use, not-

withstanding the regulations imposed by any other provisions of this chapter, a single-family detached dwelling which complies with the yard, space and bulk requirements of the district in which it is located may be erected on a nonconforming lot.

§ 120-202. Nonconforming signs.

- A. Continuance. Subject to the limitations and termination provisions hereinafter set forth, any lawfully existing nonconforming sign accessory to a legally existing principal use may be continued so long as it otherwise remains lawful after the effective date of this chapter.
 - B. Alteration, expansion or moving. No nonconforming sign shall be:
 - (1) Changed or altered in any manner which would increase the degree of its nonconformity;
 - (2) Expanded;
 - (3) Changed or altered to prolong its useful life; or
 - (4) Moved in whole or in part to any other location where it would remain nonconforming.
 - C. Termination of nonconforming signs.
 - (1) Termination by abandonment. Any nonconforming sign, the use of which is discontinued for a period of 90 days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be reestablished. Any period of such discontinuance caused by government actions, strikes, material shortages or forces of nature, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.
 - (2) Termination by damage or destruction. Any nonconforming sign damaged or destroyed, by any means, to the extent of 35% of its replacement cost new shall not be restored but shall be terminated.
 - (3) Termination by change of business. Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change of such business necessitating any change in the sign.
- 7) Amend the dwelling unit conversion section to allow the Zoning Board of Appeals to

waive the dwelling unit conversion standards for the conversion of nonresidential space to residential space by area variance:

Amend the introductory paragraph to §120-166, Dwelling unit conversions:

The intent of this section is to establish standards to prevent the overcrowding of dwelling units and to ensure satisfactory amenities as conversions take place. Conversion of existing buildings to increase the number of dwelling units contained in them presents issues surrounding overcrowding, parking, open space and neighborhood character. Dwelling unit conversions that do not meet the standards established in this section may be permitted only upon a showing of unnecessary hardship in accordance with the provisions of § 120-195, unless otherwise prohibited with the exception that the Zoning Board of Appeals may waive the dwelling unit conversion standards for the proposed conversion of all or a portion nonconforming nonresidential floor area to residential use based on the standards for an area variance.

Add a new subsection §120-166C:

- C. Minimum lot area requirements. No building located on a lot having an area of less than 6000 square feet shall be converted to create a two-family dwelling, and no building located on a lot of less than 9000 square feet shall be converted to create a multiple family dwelling.

Section 2. This ordinance shall take effect on September 1, 2011.

Strikeout material is material deleted, and underlined material is material added, from the Planning Commission's recommendations.

Held in Committee.

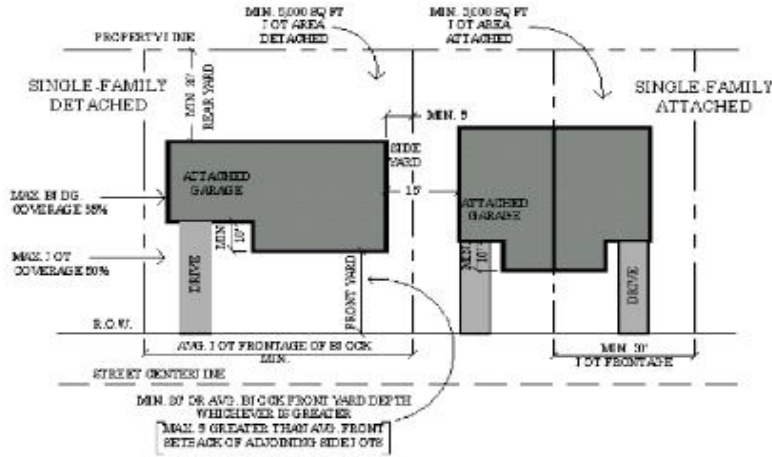
Ordinance No. 2011-247
(Int. No. 301-A, As Amended)

Amending Chapter 120 Of The Municipal Code, The Zoning Code

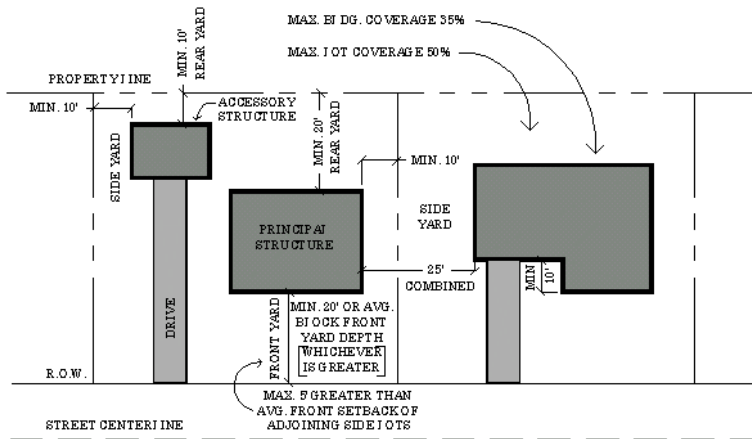
BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

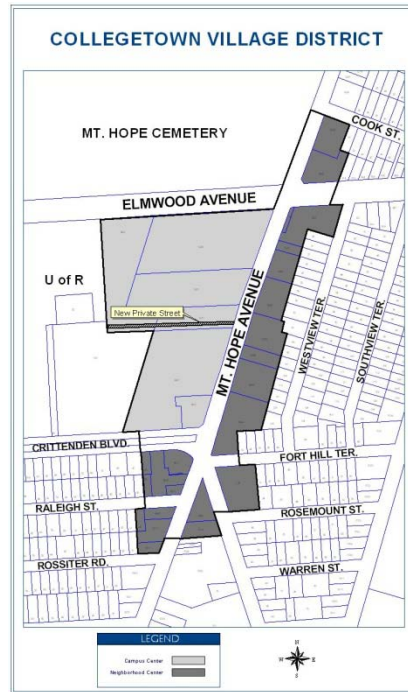
- 1) Amend §120-11C(1)(c), to modify the following graphic to remove the reference to 15' between the buildings:



- 2) Amend §120-11C(2)(c), to modify the following graphic to remove the reference to 25' between the buildings:



- 3) Amend §120-77.1, C-V District, to change the graphic to:



- 4) Delete §120-9D, relating to special permit uses in the R-1 District, and relettering E through G.
- 5) Delete §120-18J, relating to special permit uses in the R-2 District, and relettering K through M, and amending subsection I to read as follows:
 - I. Public and semipublic uses.
- 6) Delete §120-27F, relating to special permit uses in the R-2 District, and relettering G through L, and amending the new subsection F to read as follows:
 - F. Public and semipublic uses.
- 7) Amend §120-34J, relating to permitted uses in the C-1 District:
 - J. Public and semipublic uses, except as otherwise listed in §120-35.
- 8) Amend §120-42K, relating to permitted uses in the C-2 District:
 - K. Public and semipublic uses.
- 9) Amend §120-50F, relating to permitted uses in the C-3 District:
 - F. Public and semipublic uses.
- 10) Amend §120-76A(6), relating to permitted uses in the PMV Public Market Village District:
 - (6) Public and semipublic uses, ~~including but not limited to schools, libraries, police stations and fire stations.~~
- 11) Amend §120-81A, relating to permitted uses in the M-1 District:
 - A. The following uses are permitted in the M-1 District:

- (1) The following uses are permitted when conducted in a fully enclosed building:
- (a) Research laboratories including testing facilities.
 - (b) Corporate headquarters, regional headquarters and their administrative offices.
 - (c) Local service offices such as real estate sales, insurance agencies, doctors' offices, or other offices typically found in commercial districts only when in a structure or integrated complex of at least 25,000 square feet of gross floor area.
 - (d) Manufacturing, high-tech or light industrial uses.
 - (e) Warehouses and wholesale distribution facilities.
 - (f) Mixed-use facilities, a minimum of 25,000 square feet at initial development, developed according to an approved site plan.
 - (g) Vehicle repair stations within an existing building, subject to the additional requirements for specified uses in § 120-152.
 - (h) Vehicle and equipment rental, sales and storage within an existing building, subject to the additional requirements for specified uses in Article XVIII.
 - (i) Recycling centers, subject to the additional requirements for specified uses in § 120-145.
 - (j) Technical and vocational schools.
 - (k) Animal hospitals and kennels including breeding, boarding and health care.
 - (l) Sexually oriented businesses, subject to the additional requirements for specified uses in § 120-148, including adult arcade, adult cabaret, adult movie theater, limited adult retail store, adult retail store and escort agency.
 - (m) Self-service storage.
- (2) Ancillary parking lots and garages, subject to the additional requirements for specified uses in § 120-131.
- (3) Community garages and parking lots.
- 12) Amend §120-81B(8) and add B(11), relating to permitted uses in the M-1 District:
- (8) Public and semipublic uses.
 - (11) Places of worship.
- 13) Amend §120-81C, relating to permitted uses in the M-1 District:
- C. When developed in conjunction with approved industrial uses, the following uses are permitted in the M-1 District, provided such limited uses constitute no more than 15% of the developed floor area of the project:
 - (1) Bars, cocktail lounges and taverns.
 - (2) Restaurants.
 - (3) Day-care centers when located, arranged and integrated within the development to serve primarily the needs of employees and businesses in and near the M-1 District, and subject to the additional requirements for specified uses in § 120-135.
 - (4) Retail sales and services.
 - (5) Health clubs and similar facilities.
- 14) Amend §120-83A, relating to special permit uses in the M-1 District, by amending (6) through (11) to read as follows:
- (6) Amusement centers.
 - (7) Public and semipublic uses.
 - (8) Health clubs.
 - (9) Mixed uses.
 - (10) Entertainment, subject to the additional requirements for specified uses in § 120-137.
 - (11) Places of worship.
- 15) Amend §120-83, relating to special permit uses in the M-1 District, by adding the following new subsections:
- O. Animal hospitals and kennels when not within a fully enclosed building.
 - P. Outdoor activities accessory to a permitted use.
 - Q. Shooting ranges subject to the additional requirements for specified uses in § 120-148.1.
- 16) Amend §120-120N, relating to permitted uses in the La Marketa-North Clinton Avenue Ur-

ban Renewal District, by amending the introductory to (1) to read as follows:

- (1) All of the requirements of the C-2 Zoning District shall apply except as follows:

Permitted uses:

- 17) Amend §120-148D(2), relating to sexually oriented businesses, to read as follows:

- (2) Protected uses. For the purpose of measuring separation from sexually oriented businesses, "protected uses" shall include the following:

- (a) Public and semipublic uses, except police and fire stations;
 (b) Indoor or outdoor stadiums;
 (c) Places of worship; and
 (d) Cultural entertainment facilities.

- 18) Add the following new section:

§ 120-148.1 Shooting Ranges.

In addition to the requirements set forth in Chapter 99 of the Municipal Code, shooting ranges shall be subject to the following requirements:

- A. Shooting ranges shall be located at least 1000 feet from any residential, village-center, planned development or open space district, the Genesee River or the CCD, and at least 500 feet from any commercial district.
- B. In the event that a protest is presented to the Director of Planning and Zoning no later than 24 hours before the Planning Commission is scheduled to consider the special permit, which protest is duly signed and acknowledged by the owners of 20% or more of the total of all properties located in Residential, Planned Development and Open Space Districts within 1,000 feet of the subject property and in Commercial Districts within 500 feet of the subject property, a special permit shall not be approved except by a three-fourths vote of the Planning Commission.

- 19) Amend the introductory to §120-149A(9) and (a), relating to handicapped ramps, to read as follows:

- (9) Temporary handicapped access ramps located in the front yard, subject to the following:

- (a) All ramp components shall be capable of being readily dismantled without the need for excavation.
 (b) Alternative locations to the front yard were explored;

- (c) Such facilities do not obstruct access to required parking;

- (d) Such facilities are landscaped to reduce visual impacts when necessary;

- (e) The dimensions of such facilities do not exceed Building Code requirements and do not require significant alterations to front porches, entrances and other architectural features, and do not block windows;

- (f) The facilities shall be removed when no longer necessary, and the front yard shall be restored to its original condition.

- 20) Add or amend §120-163A(6) through (9), relating to accessory uses, to read as follows:

- (6) Handicapped access ramps, installed permanently, when located in the side or rear yard, provided the ramp does not obstruct access to required parking.

- (7) Vertical wheel chair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

- (8) Home occupations, subject to the additional requirements for specified uses in § 120-139.

- (9) Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales, when located in the side or rear yard.

- 21) Add or amend §120-163B(15) through (17), relating to accessory uses, to read as follows:

- (15) Handicapped access ramps, installed permanently, when located in the side or rear yard, provided the ramp does not obstruct access to required parking.

- (16) Vertical wheel chair lifts when located so as not to block windows, force the enclosure of an open front porch, or obstruct access to required parking.

- (17) Green infrastructure techniques, such as rain barrels, rain gardens, or bioswales, when located in the side or rear yard.

- 22) Amend §120-167B(2) and (5), relating to fences and walls, to read as follows:

- (2) No fence or wall in a residential or village center district shall exceed six feet in height in the side and rear yards, except, where contiguous to a commercial or industrial district and use, a fence height of 8 feet shall be allowed in the side or rear yard on the shared property line only.

- (5) Within residential and village center districts, no fence or wall over three feet

in height shall be constructed in the front yard of any lot, other than a necessary retaining wall.

23) Amend §120-167C, relating to fences and walls, to read as follows:

C. Fence surfaces.

- (1) In residential and village center districts, fences not more than 60% solid may be located in any front yard.
- (2) All solid fences shall be installed so that the finished side shall face outward; all bracing shall be on the inside of the fence and the outward-facing side shall be of similar materials and colors as the inward-facing side.
- (3) No chain-link fencing shall be permitted in the front yard of a residential structure or a property located in a residential or village center district unless an administrative adjustment is approved as set forth in § 120-191.

24) Amend §120-173C(1), relating to off-street parking, to amend the parking requirement for Restaurant, with drive-through facility to read as follows:

Use	Minimum
Retail Restaurant, with drive-through facilities	6 per 1,000 square feet net floor area for one drive-through. 4 per 1,000 square feet net floor area for 2 drive-throughs. 2 per 1,000 square feet net floor area for more than 2 drive-throughs

25) Amend §120-173F(1)(c) and (g), relating to off-street parking, to read as follows; ~~delete (d) and reletter (e) through (h):~~

- (c) Parking for single-family, two-family and attached dwellings in all districts shall be limited to no more than three vehicles for each dwelling unit. No parking for such residential uses shall be located in the side or front yard except in a legal driveway that provides access to the rear yard, a detached or attached garage.
- (g) Except for residential uses listed in subsection c above, parking shall not be located within 10 feet of any street frontage, except where a decorative fence or wall of no more than three feet in height is used in conjunction with landscaping.

26) Amend §120-177F(11), relating to window signs, to read as follows:

- (11) Window signs shall not exceed 25% of the window [and shall not be included in overall number of signs or signage calcu-

lations].

27) Add §120-191A(4)(c)[9], relating to approval of signs, to read as follows:

- [9] The Director of Planning and Zoning shall have the authority to approve an administrative adjustment to waive regulations pertaining to signs in the Center City District, with the exception of signs associated with a project undergoing site plan review.

28) Amend §120-191D(3)(a)[2], relating to site plan review, to read as follows:

- [2] Exterior alterations to existing buildings or structures and all new construction in the CCD that include minor deviations from the design criteria, excluding deviations pertaining to signs. (Note: Refer to the pertinent Design Checklist at the end of this chapter for a list of deviations.)

29) Amend §120-191D(3)(a)[14], relating to site plan review, to read as follows:

- [14] New construction of multifamily dwellings.

30) Add §120-191D(3)(a)[19], relating to site plan review, to read as follows:

- [19] Any development or redevelopment in all Districts, with the exception of detached single-family dwellings and two-family dwellings, that involves the installation of a new curb cut in the public right-of-way of principal arterials, minor arterials and collector streets (see Appendix 2).

31) Add and amend §120-195B(4)(a)[5] and [6], relating to area variances, to read as follows:

- [5] Any City-wide or Village Center design standard, excluding applications requiring a Certificate of Appropriateness.
- [6] The waiver of the requirements for Designated Buildings of Historic Value in CCD as outlined in § 120-65B, excluding applications requiring a Certificate of Appropriateness.

32) Add §120-195B(5)(h), relating to prohibited variances, to read as follows:

- (h) Permit the establishment of an outdoor shooting range in any district.

33) Add or amend the definitions in §120-208 to read as follows:

DRIVEWAY - The private access delineated through pavement, gravel or other surface from a public right-of-way to a side or rear yard parking space or garage. The width of the driveway shall not exceed 10 feet in the front yard of the dwelling.

PATIO - An un-roofed outdoor area that is constructed of dry laid natural or manufactured stone, brick, concrete unit pavers, or similar materials, or natural wood or manufactured planks with or without joists where the surface is less than 18 inches above the adjacent ground level. The area is capable of bearing pedestrian travel, including wheelchairs, and the area is used solely as an accessory outdoor recreational space in conjunction with the primary use. The area has some degree of permeability to permit water to percolate through the surface and soak into the underlying earth; therefore impervious surfaces such as asphalt and concrete (except a concrete slab no more than 100 sq. ft. in area) are not considered patios.

SHOOTING RANGE - Any indoor place or range for shooting and discharging firearms at a target. Outdoor shooting ranges are prohibited in the City.

Section 2. This ordinance shall take effect on September 1, 2011.

Strikeout material is material deleted, and underlined material is material added, from the Planning Commission's recommendations. Bracketed material is deleted by Council from the submitted legislation.

Passed unanimously.

By Councilmember Miller
July 19, 2011

To the Council:

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

Int. No. 281 - Establishing Maximum Compensation For An Agreement For The Midtown Revitalization Project And Appropriating Funds

Int. No. 282 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Festival Site Gorge Wall Repair Project

Int. No. 283 - Authorizing Participation In The Rochester DES AVL/Weather Sensor ITS Project

Int. No. 284 - Authorizing Participation In The Rochester Bicycle Enhancement Project

Int. No. 285 - Authorizing The Implementation And Funding Of The Rochester Intermodal Transportation Center Project

Int. No. 286 - Authorizing Agreements For Structural Engineering Services For Building Renovation Projects

Int. No. 302 - Authorizing Participation In The Rochester Inner Loop Sidewalk, Crosswalks And Various Arterial Sidewalks Project

Int. No. 303 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Milling And Resurfacing Of Certain Streets Related To The Central Avenue Group Preventive Maintenance Project In The City

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

Int. No. 287 - Amending The Official Map By Accepting And Dedicating A Parcel To Street Purposes And Adding Said Parcel To Gould Street And Amending Ordinance No. 2010-133, As Amended

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-248
Re: Agreement - PAETEC Realty LLC,
Midtown Revitalization Project

Transmitted herewith for your approval is legislation appropriating \$11,000,000 in anticipated reimbursements from the New York State Empire State Development Corporation (ESD), and establishing maximum compensation of \$1,759,500 for an agreement with PAETEC Realty, LLC, or a subsidiary to be formed by PAETEC Realty, LLC, for site preparation costs related to the PAETEC corporate headquarters as part of the Midtown Revitalization Project. The agreement will be funded from the ESD appropriations.

In April 2011(Ord. No. 2011-101) City Council authorized the City's application to ESD to reallocate funds remaining from demolition and asbestos abatement work at the Midtown Plaza site, and the necessary agreements with ESD for the receipt of the funds. The City was notified by ESD on May 23, 2011 that the application for reallocation of funds was approved as follows:

Use	Amount
Site preparation agreement	\$1,759,500
Reconstruction of truck and pedestrian tunnels	\$2,598,700
Reconstruction of Midtown parking garage	\$6,641,800

The PAETEC site preparation agreement was anticipated to be \$1,500,000 as communicated in April; for reasons relating to coordination, a portion of the work on the pedestrian tunnel needs to be shifted to the PAETEC site preparation agreement. This shift does not represent a change in the overall scope of work.

As authorized in May 2011 (Ord. No. 2011-149), LaBella Associates, P.C. will continue with final design and construction administration services for these portions of the Midtown Revitalization Project.

These projects will commence in fall 2011 with completion by summer 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-248
(Int. No. 281)

Establishing Maximum Compensation For An Agreement For The Midtown Revitalization Project And Appropriating Funds

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

Section 1. The sum of \$1,759,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and PAETEC Realty, LLC, or a subsidiary to be formed by PAETEC Realty, LLC, for site preparation for the Midtown Revitalization Project. Said amount shall be funded from the appropriation made in Section 2.

Section 2. The sum of \$11,000,000 is hereby appropriated from anticipated reimbursements from the Empire State Development Corporation to fund the Midtown Revitalization Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-249
Re: Agreement - LaBella Associates, P.C.,
High Falls Festival Site Gorge Wall

Transmitted herewith for your approval is legislation establishing \$85,000 as maximum compensation for an agreement with LaBella Associates, P.C. for engineering, inspection, planning, and preliminary design services for the High Falls Festival Site Gorge Wall. The agreement will be funded from prior years' Cash Capital.

LaBella Associates, under a term agreement, previously performed an engineering review of the High Falls Festival Site gorge wall and provided engineering design and construction administration services for priority repairs which were completed in June, 2011.

This agreement will allow LaBella Associates to follow up with a comprehensive engineering evaluation and analysis of the overall geotechnical stability of the gorge wall, and long-term options for the High Falls Festival Site. LaBella Associates will

develop alternatives, estimates, life-cycle analysis, and implementation strategies for the long-term care of the wall and adjacent site. Upon determination of feasible alternatives, they will produce conceptual-level design and implementation plans.

Based on their preliminary work on and knowledge of the site, budget, and availability of staff for an accelerated schedule, LaBella is recommended to continue with engineering services for this project.

The evaluation is anticipated to be completed in August 2012.

This agreement results in the creation or retention of the equivalent of one full-time job.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-89

Ordinance No. 2011-249
(Int. No. 282)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Festival Site Gorge Wall Repair Project

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

Section 1. The sum of \$85,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for engineering, inspection, planning and preliminary design services for the High Falls Festival Site Gorge Wall Repair Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-250
Re: Agreement - New York State
Department Of Transportation,
Fleet Efficiency Technology

Transmitted herewith for your approval is legislation appropriating \$92,000 in anticipated reimbursements from the Federal Highway Administration to partially finance the detailed design phase of a project to increase fleet efficiency, and authorizing an agreement with the New York State Department of Transportation (NYSDOT) to participate in and administer the project.

The Department of Environmental Services Automated Vehicle Locator (AVL)/Weather Sensor

Intelligent Transportation System (ITS) Project includes the installation of equipment and implementation of systems that will provide several fleet management tools. These will include: in-vehicle AVL equipment; snow plow and other data switches; a command/display center and a web site used by both City staff and the general public; and in-road weather sensors which provide road temperatures and other field metrics. The ITS equipment will enable better management of existing public works vehicles, optimized routing, and improved salting and snow plowing of streets enabling reduced vehicle miles traveled.

In addition to the operational efficiencies, the equipment provides public benefits such as improved air quality, reduced accidents, and more reliable travel times during winter conditions.

The estimated total cost of the project is \$977,000, which will be funded from the US Department of Transportation Federal Highway Administration Congestion Mitigation and Air Quality program (\$782,000) and \$195,000 in prior years Cash Capital from the Department of Environmental Services (Refuse Fund).

The project is jointly administered by the Departments of Environmental Services and Information Technology. The project will be administered by the City with federal and state reimbursement for the eligible portion of the work. Subsequent Council action to authorize consultant design services will be requested at a later date.

Design of the project will begin in fall 2011 and is anticipated to be completed in spring 2012. Purchase and installation of the AVL technology is expected to take place in fall 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-250
(Int. No. 283)

Authorizing Participation In The Rochester DES AVL/Weather Sensor ITS Project

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

Section 1. The Council hereby approves participation by the City in the Rochester Department of Environmental Services (DES) Automated Vehicle Locator (AVL)/Weather Sensor Intelligent Transportation System (ITS) Project.

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

Section 3. The sum of \$92,000 is hereby appropriated from anticipated aid from the Federal Highway Administration to fund the design of the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-251
Re: Agreement - New York State
Department Of Transportation,
Bicycle Enhancement Project

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Transportation (NYSDOT) to participate in and administer the Bicycle Project; and appropriating \$17,000 in anticipated reimbursements from the Federal Highway Administration to partially finance the detailed design phase of the Rochester Bicycle Enhancement Project.

A Bicycle Master Plan completed in February 2011 evaluated and prioritized all arterial and collector streets in the City for potential on-street bicycle facilities. The City intends to implement these facilities through its annual street improvement program. However, for streets that are not included in the capital plan in the next five years, installation of on-street bicycle facilities will be addressed through this project.

The project includes the installation of exclusive bicycle lane markings, and shared-use lanes, on up to 30 centerline miles of City streets. These bicycle accommodations will enhance Bicycle Level of Service and increase use of bicycling as a mode of transportation.

The current estimated cost of the project is \$261,000, which will be funded from Congestion Mitigation and Air Quality funds (\$209,000) from the USDOT Federal Highway Administration, and from the 2011-12 (\$4,000) and 2012-13 (\$48,000) Cash Capital allocations of the Department of Environmental Services.

The project will be administered in-house with federal and state reimbursement for the eligible portion of the work. Authorization for consultant design services will be requested at a later date.

Design of the project will begin in fall 2011 with completion in spring 2012. Construction is anticipated in summer 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-90

Ordinance No. 2011-251
(Int. No. 284)

Authorizing Participation In The Rochester Bicycle Enhancement Project

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

Section 1. The Council hereby approves participation by the City in the Rochester Bicycle Enhancement Project.

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

Section 3. The sum of \$17,000 is hereby appropriated from anticipated aid from the Federal Highway Administration to fund the design of the Rochester Bicycle Enhancement 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. 2011-252
Re: Agreement - Bergmann Associates, P.C.,
Rochester Intermodal Transportation
Center, Planning and Preliminary
Engineering Services

Transmitted herewith for your approval is legislation related to Rochester's Intermodal Transportation Center. This legislation will:

1. Establish \$600,000 as maximum compensation for an agreement with Bergmann Associates for planning and preliminary engineering services for the project.
2. Appropriate \$627,000 in anticipated reimbursements from the New York State Department of Transportation (NYSDOT). These funds will cover the cost of the Bergmann agreement, and reimburse the City for project administration costs.
3. Authorize any agreements necessary to participate in and administer the project.

The Rochester Intermodal Transportation Center would serve as a shared facility for buses, taxis,

hotel shuttles, car rental agencies, pedestrians, and bicyclists, and is envisioned as a Center City gateway and community landmark. The structure will emphasize the City's architectural and transportation history, complement adjacent neighborhoods, and incorporate features to support the operational needs of a variety of potential tenants. Public art installations will be encouraged, and included, contingent upon the availability of funding.

The end product of this phase is the development of a scoping document, in compliance with federal and state regulations, that will guide final design of the facility. In developing this document, Bergmann will consider and evaluate all relevant streetscape and building components, including connections to streets and points of activity. In addition, Bergmann will assess the feasibility of various sites, including the existing Amtrak station site. Based on the assessments, public comment, possible tenant needs, operating expenses, and building style, Bergmann will produce schematics, cost estimates, program plans, phased implementation plans, and a preliminary assessment of any environmental issues related to Rochester's Intermodal Transportation Center.

A request for proposals for these services was posted on the City's website, published in the New York State Contract Reporter, and distributed to 25 local firms. Eight firms responded: EEK; The DeWolff Partnership; IBI Group; T.Y. Lin International; Bergmann Associates, P.C.; LaBella Associates, P.C.; Stantec Consulting Services, Inc.; and Clark Patterson Lee. Based on their qualifications, experience, knowledge of transportation facilities, administrative expertise, and approach to the project, Bergmann Associates is recommended.

The City will provide some of the project administration services on behalf of NYSDOT, with funding from the Federal Railroad Administration of the U.S. Department of Transportation. Authorization for additional project administration services as required by NYSDOT and the Federal Railroad Administration will be requested at a later date.

This phase of the project results in the creation/retention of the equivalent of seven full-time jobs. Work will begin in August 2011 with completion anticipated in October 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-91

Ordinance No. 2011-252
(Int. No. 285)

Authorizing The Implementation And Funding Of The Rochester Intermodal Transportation Center Project

WHEREAS, a Project for the Rochester Intermodal Transportation Center, P.I.N. 4936.04 (the Project") is eligible for funding under Title 23 U.S.

Code, as amended, administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

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

Section 1. The Council hereby approves the Rochester Intermodal Transportation Center Project.

Section 2. The Council hereby authorizes the City of Rochester to pay in the first instance 100% of the federal, state, and local share of the cost of the work for the Project or portions thereof.

Section 3. In the event the full federal, state, and local share of costs of the project exceeds the amount appropriated above, the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof.

Section 4. The Mayor of the City of Rochester is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the City of Rochester with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible.

Section 5. The sum of \$600,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for planning and preliminary engineering services for the Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the appropriation made in Section 6.

Section 6. The sum of \$627,000 is hereby appropriated from anticipated aid from the Federal Railroad Administration to fund the planning, preliminary engineering and administration of the Project.

Section 7. A certified copy of this ordinance shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-253
Re: Agreements - Structural Engineering Services

Transmitted herewith for your approval is legislation authorizing three year agreements with the following firms for structural engineering services related to City building renovation projects:

- | <u>Company</u> | <u>Address</u> |
|---|--|
| Barton & Loguidice, P.C. | 1 South Washington Street #520,
Rochester 14614 |
| Jensen/BRV Engineering, PLLC | 1653 East Main Street, Rochester 14609 |
| Herrick-Saylor Engineering, P.C. | 510 Kreag Road #5, Pittsford 14534 |
| LaBella Associates, P.C. | 300 State Street #201, Rochester 14614 |
| Ravi Engineering & Land Surveying, P.C. | 2110 South Clinton Avenue #1,
Rochester 14618 |
| T.Y. Lin International | 255 East Avenue, Rochester 14604 |

The agreements will be financed from the annual budgets of the Department of Environmental Services, capital funds appropriated for specific projects, or, as needed, the budgets of departments using the services.

These services include: structural investigations of existing facilities as requested by the City, preparing contract documents for contracted maintenance work and providing inspection of that work during construction, and reviewing designs for specific construction projects.

In May 2011, the Department of Environmental Services solicited proposals from 14 firms and also requested proposals through the City's website. In addition to the recommended firms, proposals were received from: CHA Consulting, Inc.; Clark Patterson Lee; Collins Engineers, P.C.; KCI Engineering of New York, P.C.; Larsen Engineers; and O'Brien & Gere Engineers, Inc. The selection of the recommended firms was based on the variety and availability of services provided, cost for services, qualifications, and past experience.

Services will be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-253
(Int. No. 286)

Authorizing Agreements For Structural Engineering Services For Building Renovation Projects

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for structural engineering services required for building renovation projects as required by the City:

- Company
- Address
- Barton & Loguidice, P.C.
1 South Washington Street #520
- Jensen/BRV Engineering, PLLC
1653 East Main Street
- Herrick-Saylor Engineering, P.C.
510 Kreag Road #5
- LaBella Associates, P.C.
300 State Street #201
- Ravi Engineering & Land Surveying, P.C.
2110 South Clinton Avenue #1
- T.Y. Lin International
255 East Avenue

Section 2. The agreements shall extend for a term of three years, and shall obligate the City to pay based on unit prices in an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget or from project appropriations. Unit prices may only be changed with the approval of the City Engineer.

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. 2011-254
Re: Inner Loop Sidewalk, Crosswalks,
Various Arterial Sidewalks

Transmitted herewith for your approval is legislation establishing \$92,000 as maximum compensation for an agreement with Bergmann Associates, P.C., 28 E. Main Street, Rochester, for design services, and appropriating \$51,200 in anticipated reimbursements from the Federal Highway Administration to finance the federal portion of design services. The City share of design costs shall be funded from the Department of Environmental Services with \$40,800 from prior year Cash Capital allocations.

Inner Loop Sidewalk, Crosswalks, Various Arterial Sidewalks is a Federal Aid project administered by the City through the New York State Department of Transportation (NYSDOT), and is identified in the 2009-10 and 2010-11 Capital Improvement Program. The estimated total project cost is \$718,000, of which \$573,400 is anticipated as a Federal share and \$144,600 is anticipated as a City share.

This project expands pedestrian accessibility in the

Inner Loop area and the western portion of the City. The project will render a majority of the Inner Loop area ADA compliant including the construction of ADA-accessible sidewalk ramps on the North Clinton Avenue, Joseph Avenue, North Street and Scio Street bridges over the Inner Loop Expressway. New sidewalks are to be constructed on one side of Emerson Street, Lexington Avenue and Driving Park Avenue with the intent to provide a safer pedestrian right-of-way.

NYSDOT has established a pre-approved list of regional engineering firms from which project sponsors may obtain engineering services for Federal Aid transportation projects. Ten firms submitted proposals: Bergmann Associates, P.C.; C&S Companies; Clark Patterson Lee; Erdman Anthony; Fisher Associates; Hunt Engineers, Architects and Land Surveyors, P.C.; LaBella Associates, P.C.; Lu Engineers; Ravi Engineering & Land Surveying, P.C.; and T.Y. Lin International. Based on their qualifications and approach to the project, Bergmann Associates, P.C. was selected.

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

Design will be completed in early 2012, with construction anticipated to begin in summer 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-254
(Int. No. 302)

Authorizing Participation In The Rochester Inner Loop Sidewalk, Crosswalks And Various Arterial Sidewalks Project

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

Section 1. The Council hereby approves participation by the City in the Inner Loop Sidewalk, Crosswalks and Various Arterial Sidewalks Project.

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

Section 3. The sum of \$92,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for design services for the Inner Loop Sidewalk, Crosswalks and Various Arterial Sidewalks Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$40,800 shall be funded from the Cash

Capital allocation from prior years and \$51,200 is hereby appropriated from anticipated aid from the Federal Highway Administration to fund the design and administration of the Project.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-255
Re: Central Avenue Group Preventive Maintenance Project

Transmitted herewith for your approval is legislation related to the Central Avenue Group Preventive Maintenance Project. This legislation will authorize the issuance of bonds totaling \$380,000 and the appropriation of the proceeds thereof to finance portions of the Street Improvement Program.

The Central Avenue Group Preventive Maintenance Project incorporates milling and resurfacing of the street pavement and related improvements on the following streets:

Central Avenue from Joseph Avenue to North Street;

Joseph Avenue from the Inner Loop North Outer Drive to Ward Street;

North Clinton Avenue from Inner Loop North Outer Drive to Central Avenue; and

Westcott Street from Inner Loop North Outer Drive to North Clinton Avenue.

The Central Avenue Group Preventive Maintenance Project also includes the reconfiguration of the City maintained parking lot at 186 Cumberland Street. Parking lot improvements funded from prior year Cash Capital allocations of Neighborhood and Business Development will include resurfacing, pavement markings, curb, sidewalk, landscaping and lighting changes to complete the temporary relocation of the Trailways Station from the Midtown Redevelopment Site.

Bids for construction were received on July 5, 2011. The apparent low bid of \$837,700 was submitted by Sealand Contractors Corporation, which is 4.3% more than the engineer's estimate. An additional \$69,300 will be allocated for project contingencies. Inspection services will be provided by the Department of Environmental Services, Bureau of Architecture and Engineering.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Contingency</u>	<u>Total</u>
Street		
\$359,158	\$20,842	\$380,000
Water		
3,380	620	4,000
County Traffic		
35,074	3,926	39,000
Parking Lot		
440,088	43,912	484,000
Total		
\$837,700	\$69,300	\$907,000

This project results in the creation or retention of the equivalent of 9.1 full-time public works jobs.

It is anticipated that project construction will begin in summer 2011 and be complete in fall 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-255
(Int. No. 303)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Milling And Resurfacing Of Certain Streets Related To The Central Avenue Group Preventive Maintenance Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of milling and resurfacing certain streets related to the Central Avenue Group Preventive Maintenance Project in the City, including but not limited to portions of Central Avenue, Joseph Avenue, North Clinton Avenue and Westcott Street (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 \$380,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$380,000 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 \$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 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. 2011-256
Re: Official Map Amendment -
Dedication, Gould Street

Transmitted herewith for your approval is legislation amending the Official Map by accepting the donation of a parcel from Mid-Town Athletic Club, LLC and dedicating it as right-of way. The 3,724 square foot parcel is on the north end of Gould Street.

A substantial portion of Gould Street was abandoned in 2007 with the expansion of the Mid Town Athletic Club, which turned Gould Street into a cul-de-sac. The circular turn around space at the termination of the cul-de-sac is wider than the original Gould Street right-of-way. Additional land is necessary to accommodate the width of the turnaround space.

The City Planning Commission, in its February 7, 2011 meeting, recommended approval of this dedication by a vote of 6-0. Minutes of that meeting, along with the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-92

Ordinance No. 2011-256
(Int. No. 287, As Amended)

Amending The Official Map By Accepting And Dedicating A Parcel To Street Purposes And Adding Said Parcel To Gould Street And Amending Ordinance No. 2010-133

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 Gould 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 20 in Township 13, Range 7, and being more particularly described as follows:

Beginning at a point in the easterly right of way line of Gould Street (60.00 feet wide right of way) at the southwesterly corner of Lot 60 of the Gould Street Subdivision, as shown on a map recorded in the Monroe County Clerk's Office at Case A of Maps, Page 18, said point being 1040.09' northerly, as measured in said easterly right of way line of Gould Street, from its intersection with the northerly right of way line of Highland Avenue (80.00' wide right of way), thence;

1. North 00°-32'-38" East, and along the easterly right of way line of said Gould Street, a distance of 116.22 feet, thence;
2. Easterly, on a curve to the right, having a central angle of 158°-23'-05" and a radius of 50.00 feet, an arc distance of 138.22 feet, thence;
3. Generally in a westerly and southerly direction, on a curve to the left, having a central angle of 71°-15'-02" and a radius of 20.00 feet, an arc distance of 24.87' to the Point of Beginning.

Parcel contains 3,724± square feet or 0.086± acres.

Section 2. The Council hereby approves the acceptance of the donation of the parcel to be dedicated from Mid-Town Athletic Club, LLC. The dedication shall take effect upon acquisition of the parcel by the City.

Section 3. Ordinance No. 2010-133, relating to the acquisition of parcels and easements for the Mt. Hope Avenue Phase I Improvement Project, as amended by Ordinance No. 2011-169, is hereby further amended by amending Section 4 thereof by increasing the cost for the Berkshire Rochester Ltd Partnership properties from \$139,000 to \$155,525, and by amending Section 6 thereof to increase the amount of the acquisition costs from not to exceed \$2,335,200 to not to exceed \$2,351,725 and to decrease the amount of the closing costs from not to exceed \$198,800 to not to exceed \$182,275.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember McFadden
July 19, 2011

To the Council:

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

Int. No. 288 - Establishing Maximum Compensation For A Professional Services Agreement For Development Of A Firefighter Entrance Exam And Amending The 2011-12 Budget

Int. No. 289 - Authorizing Agreements For Sexual Health Promotion For Young People

Int. No. 290 - Authorizing Agreements For The 2011 Justice Assistance Grant Program

Int. No. 292 - Approving The Acceptance Of Public Artwork/Gateway Feature

Int. No. 293 - Authorizing An Agreement For Funding For The Summer Of Opportunity Program And Amending The 2011-12 Budget

Int. No. 294 - Amending The 2011-12 Budget By Appropriating Forfeiture Funds For The Operations Of GRANET

Int. No. 295 - Authorizing Agreements With Respect To Project IMPACT VIII And Amending The 2011-12 Budget

Int. No. 304 - Amending Chapter 31 Of The Municipal Code, Dog Control

The following entitled legislation is being held in Committee:

Int. No. 291 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Respectfully submitted,
Adam C. McFadden
Matt Haag (*Abstained on Int. No. 289*)
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-257
Re: Agreement - Morris and McDaniel
Management Consultants, Firefighter
Entrance Exam

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Morris and McDaniel Management Consultants, Arlington, VA, to develop an entrance exam for firefighter candidates, and amending the 2011-12 Budget by transferring \$100,000 from Contingency to the Fire Department

to cover the cost of the agreement.

The current Civil Service list for Firefighter expired in June 2011, and a new list must be established in order to hire new Firefighters. As a response to feedback regarding the exam previously used, and to facilitate recruitment of minority candidates, a new, multi-dimensional exam will be developed.

A Request for Proposals was issued on May 11, 2011, posted on the City website, and mailed directly to seven known vendors. Responses were received from: Industrial/Organizational Solutions Inc., Westchester, Illinois; CWH Management Solutions, Lone Tree, Colorado; FPSI - Fire & Police Selection, Inc., Folsom, CA; and Morris and McDaniel.

An inter-departmental review committee with representatives from the Fire Department and the Bureau of Human Resources Management selected Morris and McDaniel Management Consultants to develop the new Firefighter entrance exam based on innovation, experience, documentation, availability, and references.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-93

Ordinance No. 2011-257
(Int. No. 288)

Establishing Maximum Compensation For A Professional Services Agreement For Development Of A Firefighter Entrance Exam And Amending The 2011-12 Budget

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Morris and McDaniel Management Consultants for the development of a firefighter entrance exam. Said amount shall be funded from the 2011-12 Budget of the Rochester Fire Department.

Section 2. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency allocation to the Rochester Fire Department to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-258
Re: Agreements - New York State Department

Of Health, Sexual Health Grant

Transmitted herewith for your approval is legislation related to a New York State Department of Health grant to promote sexual health among young people through youth leadership and community engagement. This legislation will:

1. Authorize an agreement with the New York State Department of Health for receipt and use of the second year of a five-year grant award of \$193,735, contingent upon approval of the second year work plan and budget. This grant was anticipated and included in the 2011-12 Budget of the Department of Recreation and Youth Services.
2. Establish \$99,130 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential, to recruit and supervise youth leaders, create a social marketing campaign, and conduct project outreach to local youth health clinics.
3. Establish \$20,000 as maximum compensation for an agreement with AIDS Care to provide a part-time health educator to train youth leaders and co-facilitate workshops, curriculum, and presentations related to grant project.

Both agreements will be funded from the 2011-12 Budget of the Department of Recreation and Youth Services, and the term of both will be from August 1, 2011 to May 31, 2012.

The remaining grant funds (\$74,605) will be used to support City staff and operational costs needed for the implementation of the program.

The goal of the program is to reduce HIV and sexually transmitted infections, and unintended pregnancies among Rochester youth of color from the ages of 13 to 24. Youth leaders, parents, health clinics, and community volunteers will be engaged to support and promote optimal sexual health for young people. Optimal sexual health refers to the support available to adolescents from their community, school, and family to assist them in realizing their individual potential around critical developmental tasks related to sexuality. Engaging youth leadership in facilitating the needed community changes is a unique aspect of this program.

It is anticipated that this program will engage 350 youth and families at community events with a health focus; 75 youth in workshops, curriculum delivery, and peer training activities; and over 1,000 youth and adults through youth-led social marketing campaigns and distribution of health education materials.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-94

Ordinance No. 2011-258
(Int. No. 289)

Authorizing Agreements For Sexual Health Promotion For Young People

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for funding for a Sexual Health Promotion for Young People through Youth Leadership and Community Engagement Project.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential in an amount not to exceed \$99,130 to provide Project services.

Section 3. The Mayor is hereby further authorized to enter into an agreement with AIDS Care in an amount not to exceed \$20,000 to provide a part-time health education coordinator for Project activities.

Section 4. The agreements shall obligate the City to pay an amount not to exceed \$119,130, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Spaul - 7.

Nay - None - 0.

Councilmembers Haag and Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-259
Re: Agreement - US Department of Justice, 2011 Justice Assistance Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the United States Department of Justice for the application for, and receipt and use of a \$257,229 grant through the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) program; and authorizing an agreement with the County of Monroe for the distribution and use of funds under this program.

As in prior years, the award is shared with the County of Monroe, which intends to use its share to support the Probation Department's "Operation

Nightwatch." As administrator for the grant, the City is allowed 10%, or \$25,723, to cover administrative costs. The remaining funds, \$231,506 will be allocated in equal shares to the Rochester Police Department and the Monroe County Probation Department.

The Police Department intends to use JAG funds to underwrite the salary costs of a victims services specialist position in the Police Department's Family and Victims Services Section. No budget amendment is needed as the position and funding are included in the proposed 2011-12 Budget. The previous Justice Assistance Grant was authorized in June 2010 under Ordinance No. 2010-238.

The application for this grant is to be submitted by July 21, 2011. Final award acceptance and draw down of funds is contingent upon local legislative approval and development of the agreement between the partner agencies.

The term of this grant is October 1, 2010 to September 30, 2014. No local match is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-259
(Int. No. 290)

Authorizing Agreements For The 2011 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 2011 Edward Byrne Memorial Justice Assistance Grant Program for the term of October 1, 2010 through September 30, 2014.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe to fund the Monroe County Probation Department Grant Program.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$115,753, and said amount, or so much thereof as may be received under the Grant Agreement authorized in Section 1 and designated for use by the County, is hereby appropriated from 2011 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. 2011-260
Re: Acceptance of Public Art - Main Street
And Railroad Street Gateway Feature

Transmitted herewith for your approval is legislation accepting the donation, as public art, of a structure to be constructed in the right-of-way at the corner of East Main Street and Railroad Street.

A gateway feature at the Main and Railroad intersection is included in the master plan for the Public Market area. The Market District Business Association secured a \$25,000 New York State Main Street Grant to fund the creation and installation of the structure. Through a request for proposals process, the Business Association has commissioned local metal artist John Grieco and masonry contractor Domicello Construction to create and install a gateway structure to welcome visitors to the Public Market District.

Proposals were received from three local artists and reviewed by City staff and members of the Market District Business Association, which represents the majority of the property owners on Railroad Street, and chose the concept submitted by Mr. Grieco.

The Market District Business Association will finance all costs associated with the creation and installation of the feature and provide insurance throughout the construction phase. The City will assume responsibility for the feature after it has been completed and inspected by City staff. The masonry and metal structure will require minimal maintenance. Completion of the installation is anticipated by August 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-95

Ordinance No. 2011-260
(Int. No. 292)

Approving The Acceptance Of Public Artwork/Gateway Feature

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

Section 1. The Council hereby approves the acceptance of ownership and responsibility for a public artwork/gateway feature to be constructed in the right-of-way at the corner of East Main Street and Railroad Street to welcome visitors to the Public Market District.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-261
Re: Agreement - RochesterWorks, Inc.,
Summer of Opportunity Program

Transmitted herewith for your approval is legislation authorizing an agreement with RochesterWorks, Inc. for the receipt and use of a \$75,000 grant to support the Summer of Opportunity Program, and amending the 2011-12 Budget of the Department of Recreation and Youth Services to reflect the grant.

RochesterWorks, Inc. was recently informed of their allocation of approximately \$546,000 in Temporary Aid to Needy Families funding to support local summer youth employment. RochesterWorks is providing \$75,000 of their allocation to support the City's Summer of Opportunity Program (SOOP).

This funding will support 40 Recreation SOOP Youth Worker and SOOP Office Assistant positions in the program. This results in a per participant cost of \$1,875, and brings the total number of youth to be served through the 2011 Summer of Opportunity Program to 442, at a total cost of \$715,152.

The most recent legislation for these services was approved by Council in June 2011 (Ord. No. 2011-233).

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-261
(Int. No. 293)

Authorizing An Agreement For Funding For The Summer Of Opportunity Program And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with RochesterWorks, Inc. for the receipt and use of funding for the Summer of Opportunity Program.

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

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$75,000, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-262
Re: Appropriation of Forfeiture Funds for
The Greater Rochester Area Narcotics
Enforcement Team

Transmitted herewith for your approval is legisla-
tion appropriating \$200,000 from federal forfeited
property revenues attributable to the Greater Roch-
ester Area Narcotics Enforcement Team
(GRANET), and amending the 2011-12 Budget of
the Police Department to reflect this amount.

These funds will be used to support GRANET
operations for the period July 1, 2011 through June
30, 2012. GRANET participates in joint investiga-
tions with the Greater Rochester Area Special
Operations Group (GRASOG), which includes
participants from federal, state, and local law
enforcement agencies. The mission of GRASOG is to
achieve maximum coordination and cooperation,
and bring to bear the combined resources of mem-
ber agencies to investigate mid- and upper-level
narcotics related offenses and illegal weapons
offenses and to aggressively investigate career
criminals in the Greater Rochester/Monroe County
area, utilizing both State and Federal laws.

Under the current Memorandum of Understanding
among the participating agencies, GRANET will
share in any properties or funds confiscated as a
direct result of a criminal investigation initiated by
GRANET, pursuant to forfeiture regulations of the
United States Department of Justice, the United
States Department of the Treasury, and the Attor-
ney General. 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). Sal-
aries 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 ac-
counting for these funds. The undesignated bal-
ance in GRANET's forfeiture fund prior to this
transfer is estimated at \$349,200. This will be the
first appropriation of GRANET's forfeiture funds
during 2011-12.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-262
(Int. No. 294)

**Amending The 2011-12 Budget By Appropri-
ating Forfeiture Funds For The Operations Of
GRANET**

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

Section 1. Ordinance No. 2011-188, the 2011-
12 Budget of the City of Rochester, as amended, is
hereby further amended by increasing the revenue
estimates and appropriations to the Rochester Po-
lice Department by the sum of \$200,000, which
amount is hereby appropriated from funds realized
from seized and forfeited assets to fund the opera-
tions of the Greater Rochester Area Narcotics En-
forcement Team (GRANET).

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-263
Re: New York State Division of Criminal
Justice Services Grant - Operation
Impact VIII

Transmitted herewith for your approval is legisla-
tion related to a New York State Division of Crimi-
nal Justice Services (DCJS) grant. This legislation
will:

1. Authorize an agreement with DCJS for the
receipt and use of a \$504,200 grant under Op-
eration Impact VIII.
2. Amend the 2011-12 Budget of the Police
Department by \$504,200 to reflect the grant.
3. Establish \$40,000 as maximum compensation
for an agreement with the Rochester Institute
of Technology for data analysis services re-
lated to Impact VIII. The cost of the agree-
ment will be funded from the 2011-12 Budget
of the Police Department.

The Operation Impact grant funding will be used to
continue initiatives to reduce violent crime in
Rochester through improved coordination among
federal, state, and local criminal justice agencies
using data driven strategies. The law enforcement
efforts of Impact VIII are overseen by a county-
wide taskforce using strategies to prevent gang
violence, gun carrying, and open air drug markets,
and to provide enhanced prosecution. Data on
crime and crime responses is utilized to inform the
taskforce in setting its priorities and direction. The
primary use of the Impact VIII funds will be for
overtime details and equipment purchases to sup-
port the initiative.

No local match is required. This is the eighth
round of Impact funding and covers the year begin-
ning July 1, 2011. The previous award of \$499,080
was authorized in July 2010 (Ord. No. 2010-280).

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-96

Ordinance No. 2011-263
(Int. No. 295)

Authorizing Agreements With Respect To Project IMPACT VIII And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding for Project IMPACT VIII.

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 VIII. Said amount shall be funded from the 2011-12 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$504,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-264
Re: City Code Amendment - Dog Control

Transmitted herewith for your approval is legislation amending the City Code to clarify and strengthen the dangerous dog section of Chapter 31, Dog Control. The proposed amendment makes the serious injury of a dog by another dog a violation of the dangerous dog section upon the first occurrence instead of the second; adds medical restitution to the powers of City Court for a dangerous dog finding; and, makes technical adjustments to conform to New York State Agriculture and Markets Law on dangerous dogs by adding the State's definitions of companion animal, domestic animal, and farm animal, and reflecting the State's renumbering of the dangerous dog section from Section 121 to Section 123.

A recent vicious attack of a leashed family dog by a loose dog highlighted certain deficits in the City Code. Although the family dog, Cake, survived the attack, he required surgery and suffered greatly. Since this was a "first" attack, however, the ability to charge the owner of the attacking dog with the serious penalty of a dangerous dog violation was lacking. This amendment will correct that oversight and add the possibility of restitution of medi-

cal costs associated with the attack to City Court proceedings.

It is my intent that the changes proposed herein will better protect people and dogs from attacks by aggressive dogs roaming outside their property. This legislation will hold owners accountable by increasing their culpability for the injury caused by their dogs.

Sincerely,
Carla M. Palumbo
Councilmember, Northwest District

Attachment No. AK-97

Ordinance No. 2011-264
(Int. No. 304)

Amending Chapter 31 Of The Municipal Code, Dog Control

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

Section 1. Chapter 31 of the Municipal Code, Dog Control, as amended, is hereby further amended as follows:

- a. The following new definitions are added to Section 31-2 where they should appear in alphabetical order:

COMPANION ANIMAL - Any animal as defined in Section 350(5) of the Agriculture and Markets Law.

DOMESTIC ANIMAL - Any animal as defined in Section 108(7) of the Agriculture and Markets Law.

FARM ANIMAL - Any animal as defined in Section 350(4) of the Agriculture and Markets Law.

- b. The definition of DANGEROUS DOG contained in Section 31-2 is amended by changing the reference in the introductory phrase of said definition from Section 121 of the Agriculture and Markets Law to Section 123 of the Agriculture and Markets Law, and by adding thereto the following new subsection E:

E. Any dog which has, without justification as set forth in Subsection B(2) above, severely injured or killed another dog while off its owner's property.

- c. Subsections A, B and C of Section 31-7, Dangerous dogs, are amended to read in their entirety as follows:

A. No person shall own or harbor a dangerous dog, unless such dog is at all times restrained and controlled so as to prevent the attack of or injury to any person, companion animal, domestic animal or farm animal, and so as to prevent such dog from putting any person

in reasonable fear of immediate bodily harm, provided that such person is peaceably conducting himself or herself in a place where he or she may lawfully be.

- B. When any person makes a complaint to the Animal Services Center regarding a dangerous dog, a Dog Control Officer shall explain to the complainant that a dangerous dog proceeding may be commenced either in the Dog Complaint Division or in City Court. The Dog Control Officer shall explain the procedures involved and possible penalties available in each of these alternative forums. Initial complaints of a dangerous dog which, in the opinion of the Dog Control Officer, do not pose a serious threat to the health and safety of other persons, companion animals, domestic animals or farm animals and which the complainant does not wish to bring in City Court may be referred to the Dog Complaint Division. For complaints referred to the Dog Complaint Division, violators shall be subject to the penalties set forth in §31-17 of the Municipal Code. If a Dog Control Officer has reason to believe that a dog may be vicious, the Dog Control Officer shall consider that said dog poses a serious threat to health and safety and shall commence a dangerous dog proceeding in City Court. Where the dog causes serious physical injury to a person; or where the owner has been found guilty previously of a violation of §31-4 and a dog owned or harbored by that same individual bites a person; or where the dog has been previously found to be a dangerous dog and bites another person, the owner may be charged in accordance with Subsection F.
- C. Repeated complaints of a dangerous dog and all complaints of a dangerous dog which pose a serious threat to the health and safety of other persons, companion animals, domestic animals or farm animals shall be referred to City Court for proceedings pursuant to §123 of the New York State Agriculture and Markets Law and consistent with this section. In reviewing such complaints about dangerous dogs, the Court may avail itself of the advice of veterinarians, dog trainers and/or the Animal Control staff.
- d. Subsection D of Section 31-7 is amended by adding thereto the following new subsection D(13):
- (13) Payment of medical costs. The Court shall require the owner of a dangerous dog to pay restitution for the medical costs resulting from injury caused by such dog to a person, companion ani-

mal, domestic animal or farm animal.

Section 2. This ordinance shall take effect on September 1, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 291
Re: Agreement - Center for Dispute Settlement,
Complaint Management Services

Transmitted for your approval is legislation establishing maximum compensation of \$95,700 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 2011-12 Budget of the Police Department.

The most recent agreement for this purpose was authorized by City Council Ord. No. 2010-270 in July 2010. The term of the new agreement will be from July 1, 2011 through June 30, 2012, and the amount is increased by \$1,875 (2%) 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 also will provide conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for internal hearings upon request.

During calendar 2010, CDS administered 32 Citizen Review Board hearings and one conciliation session.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 291

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 \$95,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For 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 2011-12 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 9:00 pm

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL MEETING
AUGUST 11, 2011
4:00 P.M.

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

Absent - None - 0.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2011-13
Re: Confirming the Appointment of Corporation Counsel

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Robert J. Bergin to the position of Corporation Counsel.

Mr. Bergin's resume is available for your review in the City Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2011-13
Int. No. 330

Resolution Confirming The Appointment Of The Corporation Counsel

WHEREAS, the Mayor has appointed Robert J. Bergin to the position of Corporation Counsel, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Robert J. Bergin as Cor-

poration Counsel.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 4:09 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
AUGUST 16, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Emergency Communications
 - *Frances M. Grillo
 - Finance Department
 - James A. Fox
 - Law Department
 - *Benjamin L. Douglas
 - *Michele DiGaetano
 - *Patricia A. Puffer
 - Neighborhood & Business Development
 - *Joseph S. Mustico
 - *Catherine A. Reber
 - *Robert J. Zimmer
 - Office of Management & Budget
 - *Jean Missler
 - Office of Public Integrity
 - *David T. Moore
 - Fire Department
 - *Michael E. Brown
 - Police Department
 - *Carol A. Arieno
 - *Lisa Contestabile
 - *Paul Leith Merritt
 - Rochester Public Library
 - Katherine A. Fischer
 - *Shirley Iversen
 - *Lawrence W. Naukam
 - Patricia J. Riger-Romano
 - *Patricia M. Stark
 - *Carol C. Tuzzeo

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of July 19, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following: Notice Of Environmental Determination - 1286 Mt. Hope Avenue, 814 Elmwood Avenue, 10 Cook Street 4054-11

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition opposing the expansion of School #28, 123 signatures Petition No. 1656

PUBLIC HEARINGS.

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

Amending The Brooks Landing Urban Renewal Plan And Chapter 120 Of The Municipal Code, Zoning Code Int. No. 313 1 speaker: Joan Roby-Davison

Amending The Official Map By Abandonment Of A Portion Of Cork Street Int. No. 314 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin August 16, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 307 - Cancellation Of Taxes And Charges, As Amended

Int. No. 308 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 326 - Amending The 2010-11 Budget And Ordinance No. 2011-52

Int. No. 333 - Amending Ordinance No. 2011-177, Authorizing Bonds For The Facilities Modernization Program

Int. No. 334 - Resolution Relating To Funding For The Facilities Modernization Program

Respectfully submitted, Carolee A. Conklin Jacklyn Ortiz Loretta C. Scott Lovely A. Warren (Did not vote on Int. No. 333) Elaine M. Spaul FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2011-265 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 \$5,250.

The property located at 68 Midland Avenue was purchased by the current owners on June 25, 2010. The \$5,250 code violation charge was a result of four housing code tickets issued to the previous owner in 2009. The previous owner let all four tickets default which doubled each of the fine amounts. When the transfer took place, the current owner was unaware of the outstanding tickets and charges and that they would be placed on the 2011-12 tax bill. The property is now owner-occupied and the new owners have corrected the violations in question. The municipal Codes Violations Bureau will reinstate a judgment against the former owner for these tickets.

If these cancellations are approved, total cancellations thus far for 2011-12 will be as follows:

Table with 3 columns: Category, Accounts, Amounts. Rows: City Council (1, \$5,250), Administrative (0, 0), Total (1, \$5,250)

These cancellations represent 0.002% of the taxes receivable as of July 1, 2011.

Respectfully submitted, Thomas S. Richards Mayor

Attachment No. AK-98

Ordinance No. 2011-265 (Int. No. 307, As Amended)

Cancellation Of Taxes And Charges

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

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

- (A) The property located at 68 Midland Avenue was purchased by the current owners on June 25, 2010. The \$5,250 code violation charge was a result of four housing code tickets issued to the previous owner in 2009. The previous owner let all four tickets default which doubled each of the fine amounts. When the transfer took place, the current owner was unaware of the outstanding tickets and charges and that they would be placed on the [2011-12] 2010-11 tax bill. The property is now owner occupied and the new owners have corrected the violations in

question. The Municipal Code Violations Bureau will reinstate a judgment against the former owner for these tickets.

S.B.L.#	Class	Tax Year	Amount Canceled
091.76-3-40	H	[2012] <u>2011</u>	\$5,250.00
68 Midland Avenue			
Grand Total			\$5,250.00

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-266
Re: Agreement - Monroe Community College,
AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$71,500 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 2011-12 Budget (\$60,500); the 2011-12 Budget of the Department of Neighborhood and Business Development (\$3,000); and Community Development Block Grant funds (\$8,000) previously appropriated through Ordinance No. 2011-196.

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 1,150 individuals have participated, contributing over 1.6 million hours of service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$12,100 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$5,550. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

The local program is administered by Monroe Community College. A local share of \$242,000 (non-federal cash) and over \$297,000 of in-kind contributions leverages \$633,470 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program is funded to enroll 45 individuals for

2011-12. City funding will support 13 placements: three with the Police Department's Victim Assistance Unit, four in Neighborhood Service Centers and six in City recreation programs.

Rochester Police Department. AmeriCorps members enhance the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy and filing requirements.

Department of Neighborhood and Business Development. One member will be assigned to each Neighborhood Service Center to increase community engagement by strengthening adult participation and creating initiatives and projects that involve youth.

Department of Recreation and Youth Services. Members provide support city-wide to youth councils and youth advisors, and conduct activities related to a variety of topics including, job readiness, youth entrepreneurship, civic engagement, youth fitness, gender equity in sports programming, healthy lifestyle choices, and media projects.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-266
(Int. No. 308)

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 \$71,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Of said amount, \$60,500 shall be funded from the 2011-12 Budget for Undistributed Expense, \$8,000 shall be funded from the 2010-11 Community Development Block Grant funds appropriated in Ordinance No. 2011-196 and \$3,000 shall be funded from the 2011-12 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to amend Int. No. 326.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-267
Re: 2010-11 Budget Amendment

Transmitted herewith for your approval is legislation amending the 2010-11 Budget. This legislation will:

1. Transfer \$936,000 from Undistributed to Cash Capital to fund one-time capital expenditures; and
2. Appropriate and transfer \$2,450,000 from the Insurance Reserve Fund to cover the costs of the recent Special Investigation Section Investigator consent order and judgment as follows:
 - a. \$1,900,000 to the Police Department to cover back pay; and
 - b. \$550,000 to Undistributed to cover fringe costs associated with the back pay.

These transfers are authorized pursuant to Section 6-13 of the City Charter.

3. Amend Ordinance No. 2011-52 to correct the amount of mid-year savings attributed to the Library. The correct amount is \$3,100, not \$18,100; the corresponding amount of \$15,000 will be added to Cash Capital.

The City Council has previously authorized 51 other amendments to the 2010-11 Budget, which included nine appropriation transfers, 41 appropriation increases based upon the receipt of additional revenues, and one technical amendment.

Actual receipts and expenditures for 2010-11 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.

The proposed increase to the Cash Capital allocation is to fund capital projects as follows:

1. \$200,000 for replacement of food preparation equipment at the Riverside Convention Center. Some of the food preparation equipment on-site at the Convention Center has outlived its useful life and requires replacement so that the Convention Center can remain functional and competitive.
2. \$115,000 for renovation of the public permit counter within the Neighborhood and Business Development (NBD) Department. This project will improve customer service by transforming the existing Permit Office into an enhanced single point of entry for NBD and DES, improving services, efficiency, and

overall experience.

3. \$121,000 for renovation of the Department of Recreation of Youth Services (DRYS) offices located at 400 Dewey Avenue. This renovation is necessary to accommodate the relocation of the DRYS Commissioner's Office and support staff out of City Hall to 400 Dewey Avenue. It will also allow flexibility as DRYS staff currently located at the Sibley Building is relocated at the end of the lease in December, 2011.
4. \$300,000 additional funding to combine with existing City funds, New York State (NYS) Grant funds and Daisy Marquis Jones funding for the interior modernization of the Gantt Community Center located on North Street. Despite reprogramming some existing DRYS cash capital funds, there remains a gap in funding of \$300,000 to create a design that best meets the program and functional needs of the Center.
5. \$200,000 additional funding to combine with existing NYS grant funds to install locker rooms and showers in the former Maguire Building at the Sahlen Stadium. The installation of permanent locker rooms and showers is needed to make the stadium functional for use for major athletic and sporting events since the lack of these permanent fixtures has impeded the ability of the facility to attract events. Additional legislation will be required to authorize a lease with REDCO for the space in the Maguire Building, and will be submitted at a later date.

As reflected in the 2010-11 Budget, the hiring freeze and early retirement bill payment resulted in lower than budgeted costs for health insurance and retirement for 2010-11, allowing for the flexibility to appropriate these additional capital funds.

The transfer from the Insurance Reserve Fund is necessitated by the recent consent order and judgment awarding back pay to 33 Police Officers assigned to the Special Investigation Section who were ranked and compensated as police officers but were deemed by the Appellate Division, Fourth Department, to have performed the work of an investigator. This ruling is a result of a State requirement that impairs the rights of police departments to manage their own personnel assignments.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-267
(Int. No. 326, As Amended)

**Amending The 2010-11 And 2011-12 Budget
And Ordinance No. 2011-52**

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

Section 1. Ordinance No. 2010-188, the 2010-

11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$936,000 from Undistributed Expense to the Cash Capital allocation to fund capital projects.

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$1,900,000, and to Undistributed Expense by the sum of \$550,000, which amounts are hereby appropriated from the Insurance Reserve Fund to fund the Special Investigation Section Investigator Consent Order and Judgment.

Section 3. Ordinance No. 2011-52, amending the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by reducing the amount taken from the Library in the Chart contained in Section 1 thereof from \$18,100 to \$3,100, and by increasing the amount taken from Cash Capital from \$40,000 to \$55,000.

Section 4. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$10,000 from the Contingency allocation to the Cash Capital allocation to fund capital projects in total amounts not to exceed \$2,500 in the public right of way in each quadrant of the City.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-268 and
Resolution No. 2011-14
Re: Bond Anticipation Notes - Rochester
Schools Facilities Modernization Program

Transmitted herewith for your approval is legislation related to the financing for the Rochester City School District Facilities Modernization Program (FMP). This legislation will:

1. Amend Ordinance No. 2011-177 which authorized the issuance of \$29,000,000 in bonds to finance portions of the Phase I Projects of the FMP to remove the contingency requiring the NY State legislature to amend the Rochester School Facilities Modernization Program Act that would protect the City's current Maintenance of Effort (MOE) obligation for funding the Rochester City School District (CSD);
2. Approve the suspension of the approval of any further borrowing for the City School District;
3. Support the Mayor's request to the CSD and the Rochester Teachers Union to collaborate

on a permanent solution to the MOE issue and return to the currently existing practice of bonded capital support.

As you know, the State Legislature failed to act as anticipated to prevent any debt service costs resulting from the FMP bonds to be added to the MOE amount. However, the Rochester Joint Schools Construction Board (RJSCB) in its work to oversee and administer the FMP, has incurred costs to date that are unpaid, and cannot proceed with design work for Phase I without funds to pay the consultants.

The CSD is not legally authorized to issue bonds and must rely on the City for its borrowing. The long-standing policy has been that the amount of CSD borrowing approved by the City in any single year shall not exceed the amount of outstanding CSD debt to be retired during that year. This policy has resulted in the City approving approximately \$15,000,000 in borrowing each year for the CSD.

The total amount of outstanding CSD debt is approximately \$225,000,000, and current annual debt payments are approximately \$23,000,000, most of which is reimbursed by the State. As a result, the CSD's local share for this debt service is approximately \$3,700,000 for 2011-12, and is included in the CSD annual operating budget.

The Rochester FMP was authorized by the State for the purpose of schools renovation at a cost of \$325,000,000. The RJSCB was created to oversee the FMP and was given borrowing powers precisely because the State recognized that the City would not be able to provide the necessary funding. The City, CSD and RJSCB entered into an agreement which stipulates that the City is not responsible for any FMP funding, including any bonding or local share.

The debt service on the FMP borrowing is anticipated to be about \$29,000,000 annually, with a local share of approximately \$2,300,000, after state reimbursement. As a result of the FMP, the CSD will be able to offset some of these costs through energy savings and other cost saving improvements, and to reduce its annual capital program.

The MOE requires the City to maintain a certain level of annual funding to the CSD. The State Education Department (SED) has interpreted the MOE to require constant funding after debt service has been subtracted. As a result, if the CSD debt service increases, the City would be required to increase the MOE by the same amount. Since the CSD will be reimbursed for most of the FMP debt through building aid from the state, an increased City contribution as suggested by SED will result in a double reimbursement to CSD.

In the legislature's failure to act, the SED provided a compromise solution that would limit the additional burden on the City to the local share of the FMP borrowing. This would increase the MOE by approximately \$2,300,000 annually starting in 2014-15 and continue, all other things being constant, until 2028-29, for a total of \$33,000,000.

This is contrary to all of the assumptions that underlie the FMP, and it is not acceptable to the City.

In order to fund the initial planning for the FMP that will lead to a determination of the local share, CSD and RJCSB have asked the City to issue \$29,000,000 in bond anticipation notes (BANs) that will be paid from the permanent financing issued by RJCSB. This planning is necessary in order to be certain of the State debt service reimbursement that is the underpinning of the RJCSB bonds. It is also necessary in order to develop a plan that meets the needs of the community and CSD with a local share that CSD can afford.

While the City has no obligation to undertake this financing and it is contrary to the existing agreement among CSD, RJCSB and the City, doing so is in the best interests of the FMP and using City issued BANs is the least expensive method. The City is willing to issue the BANs with the explicit understanding, as is required by the existing agreement among the parties, that any expense associated with the BANs will be paid from the proceeds from the eventual RJCSB issued bonds, in the first instance, or failing that, directly by CSD.

This BAN funding will avoid a shutdown of the FMP and the resulting delay and increased cost, even though it will initiate a sequence of events that could eventually cause the MOE to increase by \$2,300,000 annually as described above. This increase is inconsistent with the intent of the FMP and the City is not in a financial position to absorb this increase to the \$119,100,000 MOE that already absorbs 70% of its real estate tax levy.

In order to mitigate this possibility, it is proposed that the City not authorize any further borrowing for any purpose by CSD until this issue is satisfactorily resolved. This means that the type of expenditures previously funded by borrowing will have to be absorbed in the CSD operating budget. This is being done to at least partially offset the anticipated increase in debt service from the FMP that will impact the MOE.

The City supports the FMP and is working with CSD and RJSCB to make it a success. However, the City cannot do so if it causes substantial increases in the MOE. The City desires to return to the established process of borrowing for capital needs for CSD which provides for the appropriate balance between debt service and operating expense without impacting the MOE.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-268
(Int. No. 333)

Amending Ordinance No. 2011-177, Authorizing Bonds For The Facilities Modernization Program

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

Section 1. Ordinance No. 2011-177, authorizing the issuance of \$29,000,000 bonds for the Rochester City School District Facilities Modernization Program, is hereby amended by amending Section 9 thereof to read in its entirety as follows:

Section 9. This ordinance shall be contingent upon approval of the bonding by the Board of Education of the Rochester City School District, as satisfied in Resolution No. 2010-11: 922.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2011-14
(Int. No. 334)

Resolution Relating To Funding For The Facilities Modernization Program

WHEREAS, the Rochester Facilities Modernization Program (FMP) was authorized by Chapter 416 of the Laws of 2007 to renovate up to 13 schools of the Rochester City School District (CSD) at a cost of \$325,000,000; and

WHEREAS, the Rochester Joint Schools Construction Board (RJSCB) was created to oversee the FMP and was given borrowing powers precisely because the State recognized that the City would not be able to provide the necessary funding; and

WHEREAS, the City, CSD and RJSCB entered into a cooperative agreement which provides that the City is not responsible for any FMP funding, including any bonding or local share; and

WHEREAS, subsequently the State Education Department (SED) has interpreted the Maintenance of Effort (MOE) legislation in a manner which would require that the City reimburse the CSD for any increase in debt service caused by the local share of funding for the FMP, which local share is estimated to be \$2,300,000 annually beginning in 2014-15; and

WHEREAS, any increase in CSD debt service at this time, including debt for the FMP and for regular borrowing, would lead to an increase in the City's MOE requirement because the debt service for CSD debt that has already been approved will remain constant for the coming years; and

WHEREAS, in order to fund the initial planning for the FMP, the CSD and RJCSB have asked the City to issue \$29,000,000 in bond anticipation notes that will be paid from the permanent financing issued by RJCSB; and

WHEREAS, the City has approved said bonding in Ordinance No. 2011-177, contingent upon changes to the MOE and FMP which have not occurred; and

WHEREAS, the City wishes to support the FMP while seeking a permanent solution so that increases in CSD debt service will not lead to an increase

in the City's MOE obligation.

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

Section 1. The Council will remove the contingency found in Ordinance No. 2011-177 relating to necessary changes to the MOE and FMP, thereby allowing the FMP bonding to go forward at this time. However, because any borrowing for the CSD can lead to an increase in debt service for which the City may be held responsible under the MOE, the Council hereby declares that until such time as a permanent solution can be found whereby the City will not be responsible under the MOE for increases in the CSD debt service, including increases relating to the FMP or to regular borrowing for the CSD, the Council will not approve any further borrowing for the CSD.

Section 2. The Council supports the Mayor's request to the CSD and the Rochester Teachers Association that all parties work together to find a permanent solution so that increases in CSD debt service will not lead to an increase in the City's MOE obligation and so that the parties may return to the currently existing practice of bonded capital support as it may be then affordable.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Palumbo
August 16, 2011

To the Council:

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

Int. No. 309 - Authorizing The Sale Of Real Estate

Int. No. 310 - Amending Ordinance No. 2011-247, Which Amended The Zoning Code

Int. No. 311 - Authorizing Agreements For The Extension Of A Loan For The HUD Asset Control Area Partnership Program

Int. No. 312 - Appropriation Of Funds For The Brownfields Cleanup Revolving Loan Fund

Int. No. 324 - Approving A Loan Agreement For The Latta-Meech House Project And Appropriating Funds

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

Int. No. 313 - Amending The Brooks Landing Urban Renewal Plan And Chapter 120 Of The Municipal Code, Zoning Code

Int. No. 314 - Amending The Official Map By

Abandonment Of A Portion Of Cork Street

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-269
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 purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first four properties are vacant lots sold by proposal. The first property is being sold to the adjacent owner who will combine it with their adjoining lot. The next two parcels will be maintained as green space in conjunction with the Niagara Place Apartments and the Susan B. Anthony Apartments, respectively. The last parcel is being sold to the adjoining owner who will combine it with their adjacent property.

The next seven properties are unbuildable vacant lots; they are each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these eleven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,785.

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

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-99

Ordinance No. 2011-269
(Int. No. 309)

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>Sq. Ft.</u>	<u>Price</u>
252 Cypress St 121.72-1-45	40x100 Kara L. Burdick	4,000	\$400
161 First St 106.51-1-37.1	80x120 PathStone Development Corp*	9,583	\$550
330 N. Union St 106.59-1-94.1	83x68 PathStone Development Corp	3,920	\$400
100 Watkin Ter 106.33-3-69.1	70x108 Nazareth Church of Jesus Christ**	7,405	\$500

* Board of Directors: James Gocker, Board Chair; Cheryl Ellis, Vice Chair; Craig Antonelli, Board Treasurer; Anne Marie Cook, Secretary

** Board of Trustees: Robert Toppin, Pastor & Presiding Officer; Charlie Miller, Trustee; Vivian Phillips, Trustee; Edna Ladson, Trustee

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>
Pt. of 305-307 Allen St Pt. of 120.28-1-5.1	85x14 Robert Bodzon	595
109 Columbia Av 121.69-1-5	38x129 Wanda Bradley	4,902
34 Cuba Pl 106.39-3-4.1	17x89 Barbara Crocitti McKinney	1,742
40 Cuba Pl 106.39-3-5	35x89 Barbara Crocitti McKinney	3,150
15 Ludwig Pk 091.80-1-65	38x59 Elsa Martinez	2,301
Pt. of 203 Orange St (EH) Pt. of 105.82-3-50	17x163 Anvil Holdings LLP***	2,870
58 Sobieski St 091.73-1-54	30x115 Corey VandeMortel	3,450

*** Principals: Andrew Villone, Co-owner; Frank Villone, Co-owner

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-270
Re: Amending Ordinance No. 2011-247
Zoning Code Amendments

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-247 to retain Subsection 120-173F(1)(d). This subsection was mistakenly deleted when the legislation was amended at the July meeting of the City Council.

This subsection of the City Zoning Code prevents the construction of parking between a building and the public sidewalk except for properties located in the C-3, Regional Destination Center District, and the M-1, Manufacturing District. This provision applies to the City's neighborhood and community commercial districts. Front-yard parking requires a building to be substantially set back from the street which is generally not a desirable characteristic for an urban commercial setting.

No changes were or are proposed for this provision from what is currently listed in the Zoning Code. The subsection was inadvertently removed and should be restored.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-100

Ordinance No. 2011-270
(Int. No. 310)

Amending Ordinance No. 2011-247, Which Amended The Zoning Code

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

Section 1. Ordinance No. 2011-247, amending Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending Section 1(25) thereof to delete the amendment which deleted Subsection 120-173F(1)(d) and relettered (e) through (h). The Council intends that Subsection 120-173F(1)(d) remain in the Zoning Code unchanged.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-271
Re: Asset Control Area Program (ACA) -
Extension of Phase 4 Financing

Transmitted herewith for your approval is legislation relating to the extension of financing for the Phase 4 of the City's participation in the U.S. Department of Housing and Urban Development (HUD) Asset Control Area Program (ACA). This legislation will:

1. Authorize agreements with the Rochester Housing Development Fund Corporation (RHDFC) and/or JP Morgan Chase Bank to extend the remaining balance of \$500,000 of the Phase 4 loan without interest, through August 28, 2012. The loan funds a capital loan pool to support property acquisition and rehabilitation activities.
2. Authorize any additional agreements necessary to extend the loan financing.

The original loan of \$2,000,000 was authorized through Ordinance No. 2008-12. Ordinance No. 2010-251 changed the source of funds from HOME to Cash Capital (2008-09 and 2010-11), authorized \$238,000 for a loan loss reserve fund for the loan pool and approved an extension of the capital loan pool and the loss reserve to August 28, 2011. A total of \$1.5 million of the loan has been repaid and the loss reserve of \$238,000 has also been repaid.

The RHDFC allows the City to fulfill its obligation to HUD, through the Asset Control Area program (ACA) agreement, by acquiring properties from the City for rehabilitation and resale to income-eligible, owner-occupants. The twelve-month extension of this loan will allow for the rehabilitation and sale of the six remaining properties of the 99 acquired through the fourth loan agreement.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-271
(Int. No. 311)

Authorizing Agreements For The Extension Of A Loan For The HUD Asset Control Area Partnership Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the Rochester Housing Development Fund Corporation and/or JPMorgan Chase Bank, N.A. and all necessary parties to extend through August 28, 2012, without interest, the loan to fund a capital loan pool in the amount of \$500,000 to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City for resale as a part of Phase 4 of the HUD Asset Control Area (ACA) Partnership Program, as approved in Ordinance No. 2008-12 and extended by Ordinance No. 2010-251.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-272
Re: Brownfields Cleanup Revolving Loan Fund, Appropriation of U.S. EPA Grant Funds

Transmitted herewith for your approval is legislation appropriating a \$500,000 grant from the U.S. Environmental Protection Agency (USEPA) for the Brownfields Cleanup Revolving Loan Fund.

The USEPA intended to set up such a program several years ago and the City received funding for that purpose. However, the qualifying criteria imposed for the pilot program prohibited Rochester, and many other cities, from finding applicants who met all of the criteria. The USEPA revised its program, resulting in more flexibility in qualifying applicants as well as the review and approval processes. The City transitioned to the new program and received USEPA work plan approval in 2008. While there was limited interest in the new program during the recession, there are now qualified eligible applicants for cleanup loans.

Under the guidelines of the USEPA-approved program, resources will be provided to private entities to clean up brownfields as part of economic development expansion projects. Funding will be provided for actions associated with removing, mitigating, or preventing the release of hazardous substances or contaminants.

The loan fund will be jointly managed by the Departments of Neighborhood and Business Development and Environmental Services. The DES Division of Environmental Quality will review eligibility and the analysis of cleanup alternatives prepared by the applicant prior to selection of cleanup remedy. NBD will provide analysis of the economic development impact of the proposed cleanup, and all processes related to financing the loans and disbursing the funds.

The applicant will be responsible for publicizing the proposed cleanup plan for public review. EPA will determine final site and borrower eligibility.

Loan recipients will be required to enroll in a New York State Department of Environmental Conservation remediation program, and to enter into a brownfields cleanup agreement, stipulation agreement, or consent order with the DEC. DEC will provide case management and technical oversight for all cleanup activities supported by the EPA funds.

Priority for funding will be based on the extent to which the project meets the City's overall economic development goals of creation and retention of jobs, increase in the City tax base, and addition to the inventory of available land for commer-

cial/industrial development. The program will be made available to industrial firms, including wholesale, distribution and industrial service firms.

The EPA grant requires a 20% cost share from the City, which will be funded by closing fees and interest costs paid by borrowers, in-kind services of City staff, and CDBG funds which will be provided to borrowers to pay for the cost of DEC oversight.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-272
(Int. No. 312)

Appropriation Of Funds For The Brownfields Cleanup Revolving Loan Fund

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

Section 1. The sum of \$500,000 is hereby appropriated from the United States Environmental Protection Agency Brownfields Revolving Loan Fund Program to finance the Brownfields Cleanup Revolving Loan Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-273
Re: Revolving Loan Fund Agreement - Charlotte Community Development Corporation, Latta-Meech House

Transmitted herewith for your approval is legislation relating to the Housing Revolving Loan Fund and the Latta-Meech House Project. This legislation will:

1. Appropriate \$513,373.38 from the repayment of a loan that was originated from prior year Cash Capital for the Housing Revolving Loan Fund;
2. Authorize a \$100,000 loan agreement with Charlotte Community Development Corporation (Charlotte CDC), or a subsidiary to be formed by Charlotte CDC, for the renovation of the Latta-Meech House at 4435-4437 Lake Avenue for mixed-use commercial and residential use. The loan will be financed from the Housing Revolving Loan Fund; and
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan with Charlotte CDC, or a subsidiary to be formed by Charlotte CDC, as needed.

The Housing Revolving Loan Fund was established in May 2011 (Ord. No. 2011-145) to provide assistance for the creation or renovation of housing for

those earning less than 120% of the median family income. This program, funded originally by Cash Capital, supports projects that otherwise would not be feasible. To date, projects have included the Academy Building, Windsor Lofts, South & Hickory Place, and 44 Exchange Blvd.

The current \$3,000,000 balance of the Fund is authorized for the Lincoln Alliance Building (Ord. No. 2011-145). The City recently received a repayment of a portion of a loan that originated from the Asset Control Area Program Phase 4 capital loan pool. This amount, \$513,373.38, will be appropriated to the Housing Revolving Loan Fund, resulting in a balance for the Fund of \$3,513,373.38.

Once the loans for the Lincoln Alliance Building and the Latta-Meech House have closed, the balance of the Housing Revolving Loan Fund will be \$413,373.38.

The Latta-Meech House in the Charlotte neighborhood is an historic two-story, wood frame structure and an annex, with a total of approximately 3,594 square feet. Many of the historic elements of the building's exterior lost during renovations undertaken in the latter half of the twentieth century will be restored through this project. The renovation will create a visiting center and tea room, outdoor dining area, and two work-live residential units.

The project will be undertaken in two phases. Phase I will include property acquisition and exterior improvements to the building façade. Phase II will include interior renovations, ADA accessibility improvements, landscaping, and parking improvements. The total project cost is estimated at \$423,000, with the first phase estimated at \$265,971. The building will be acquired from the current owners by Charlotte Community CDC and the renovation activities are anticipated to start in August 2011.

Proceeds from the Housing Revolving Loan Fund for the project will be used for construction financing, and only for the residential portion of the project as part of Phase I. The loan will have a 24-month term at a 2% interest rate with payments due monthly, and a balloon payment due at the end of the term.

The loan requires the developer to keep one of the two residential units affordable for rent to households earning no more than 120% of the area median income (AMI) for a term of five years. There is a maximum rent allowable for City-assisted units based on the median family income and the family size.

The sources and uses of funds for the Latta-Meech project are summarized below:

<u>Sources of Funds</u>	
Rochester Area Community Foundation	\$ 20,000
Grant from Assemblyman Morelle	20,000
City of Rochester construction loan	100,000
In-kind equity	25,971
Investor equity (Barbara Hoffman)	<u>100,000</u>
Total	\$265,971

<u>Uses of Funds</u>	
Acquisition	\$ 95,000
Construction	111,100
Financing (fees and costs)	5,000
Soft costs	11,110
Development costs	36,022
Sales and marketing	<u>7,739</u>
Total	\$265,971

This project is an important component of the Charlotte CDC's ongoing efforts to revitalize the Harbortown Village District. It will also preserve an important community asset and complement the proposed port redevelopment project.

SEQRA review has been completed. This is a Type II action, requiring no further environmental review.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-101

Ordinance No. 2011-273
(Int. No. 324)

Approving A Loan Agreement For The Latta-Meech House Project And Appropriating Funds

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Charlotte Community Development Corporation, or a subsidiary to be formed by Charlotte Community Development Corporation, whereby the City shall provide a loan to partially finance the costs of the construction and reconstruction of housing units as a part of the Latta-Meech House Project at 4435-4437 Lake Avenue. The funding shall be provided as a twenty-four month construction loan with interest of 2%. 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 \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Capital Project Housing Revolving Loan Account. The sum of \$513,373.38 is hereby reappropriated from the fund balance of the Cash Capital Fund from prior years to fund the Capital Project Housing Revolving Loan Account.

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. 2011-274
Re: Zoning Text Amendment - Brooks Landing Urban Renewal Plan and District Regulations

Transmitted herewith for your approval is legislation amending Chapter 120-120L of the Zoning Code of the City of Rochester, to add accessory entertainment as a permitted use in the Brooks Landing Urban Renewal District.

This text amendment has been requested by the owner of Boulder Coffee Company, which recently relocated from 955 to 910 Genesee Street. Obtaining an entertainment license for this location will enable implementation of a business plan that is consistent with Boulder's other sites with a café/lounge atmosphere. However, entertainment is not currently permitted in the District.

Boulder Coffee has five stores in Rochester, including the Genesee Street location. The stores at the Public Market and at the Crossroads Building are set up for express service. The larger facilities at 100 Alexander Street and 739 Park Avenue locations operate on a café/lounge model with entertainment. The ability to offer entertainment at the Brooks Landing location will enable the company to maintain consistent branding and offerings for all three of their larger stores.

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 meeting on July 11, 2011. There were two speakers in support of this proposal, who cited the original vision for Brooks Landing as a vibrant and active locale. There were no speakers in opposition. By a vote of 6-0, the Planning Commission recommends approval to City Council. The minutes of that meeting are attached.

A public hearing is required for this Text Amendment.

Respectfully submitted,
Thomas Richards
Mayor

Attachment No. AK-102

Ordinance No. 2011-274
(Int. No. 313)

Amending The Brooks Landing Urban Renewal Plan And Chapter 120 Of The Municipal Code, Zoning Code

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

Section 1. Subsection 120-120L of the Municipal Code, relating to the Brooks Landing Urban Renewal District, as amended, is hereby further amended by adding thereto a new subsection 120-120L(1)(b)[1][g] to read in its entirety as follows:

- [g] Entertainment accessory to retail sales and services, bars, cocktail lounges, taverns and restaurants, and not subject to the requirements listed in subsection 120-173C.

Section 2. Subsection 120-120L of the Municipal Code is hereby further amended by relettering subsection 120-120L(1)(c)[1][h] as 120-120L(1)(c)[1][i] and by adding thereto a new subsection 120-120L(1)(c)[1][h] to read in its entirety as follows:

- [h] Entertainment accessory to any permitted non-residential use when conducted in a completely enclosed building, and not subject to the requirements listed in subsection 120-173C.

Section 3. The Council hereby amends the Brooks Landing Urban Renewal Plan by adopting the changes set forth above.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-275
Re: Official Map Amendment - Abandonment,
Cork Street

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of Cork Street.

Germanow-Simon, a precision optics manufacturer, seeks to expand its current manufacturing facility located at 19-23 Emmett Street by expanding within and adjacent to 408 St. Paul Street. A new one-story connection between the two buildings would overlap Cork Street, a one-way, dead-end street. The proposed abandoned portion of the street serves no access to adjacent properties other than those owned by Germanow-Simon.

The City Planning Commission, in its July 11, 2011 meeting recommended approval of this dedication by a vote of 6-0. Minutes of that meeting, along with the application, are attached.

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

Unlisted Action requiring no further environmental review.

A public hearing on the abandonment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-103

Ordinance No. 2011-275
(Int. No. 314)

Amending The Official Map By Abandonment Of A Portion Of Cork 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 Cork Street:

Commencing at a point in the southerly highway boundary line of St. Bridget's Drive at its intersection with the westerly highway boundary line of Cork Street;

Thence (A) South 38° - 32' - 30" east and along the westerly highway boundary line of Cork Street a distance of 80.00 feet to a point;

Thence (B) North 49° - 46' - 47" east and continuing along said westerly highway boundary line a distance of 7.00 feet to a point;

Thence (C) South 38° - 32' - 30" east and continuing along said westerly highway boundary line a distance of 145.00 feet to a point being the northeast corner of Tax Account No. 106.62-1-28 and the point of beginning for the following description;

Thence (1) North 49° - 45' - 38" east and through the right-of-way of Cork Street along the easterly projection of the north line of Tax Account No. 106.62-1-28 a distance of 18.00 feet to a point;

Thence (2) South 38° - 32' - 30" east and along the easterly highway boundary line of Cork Street a distance of 143.00 feet to a point;

- Thence (3) South 49° - 46' - 44" west and along the southerly highway boundary line of Cork Street a distance of 18.00 feet to a point;
- Thence (4) North 38° - 32' - 30" west and along the westerly highway boundary line of Cork Street a distance of 143.00 feet to the point of beginning.

Parcel contains 2,572.9 square feet which equals 0.06 acres.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Engineer in his correspondence to the Director of Zoning of June 9, 2011.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
August 16, 2011

To the Council:

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

Int. No. 315 - Authorizing An Agreement For The Lease Of Space For Downtown District Services

Int. No. 316 - Establishing Maximum Compensation For An Agreement For Former High Falls Festival Site Maintenance Services

Int. No. 317 - Authorizing An Agreement For A Brownfields Redevelopment Cleanup Grant For 62-64 Scio Street

Int. No. 318 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Riverside Cemetery Chapel Of Peace Project

Int. No. 319 - Authorizing The Implementation And Funding For The River Street Extension Improvement Project

Int. No. 320 - Authorizing Applications And Agreements For Grants For The Rundel Memorial Library And Mt. Hope Cemetery

Int. No. 325 - Establishing Maximum Compensation For A Professional Services Agreement For The Waring Road Improvement Project And Ap-

propriating Funds

Int. No. 327 - Establishing Maximum Compensation For A Professional Services Agreement For The Harper Street Group Curb Replacement Project

Int. No. 328 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$425,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Harper Street Group Curb Replacement Project

Int. No. 329 - Authorizing An Agreement With RGRTA For The Relocation Of Bus Shelters

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-276
Re: Lease Agreement - 151 Cumberland Street

Transmitted herewith for your approval is legislation authorizing an agreement with the Salem Evangelical Church of Rochester for the City's lease of approximately 7,324 square feet of office and garage space at 151 Cumberland Street.

This site has been used by the Department of Environmental Services as a base of operations for the downtown district crew since October 2006. A lease agreement was first authorized by City Council in September 2006 (Ordinance No. 2006-287).

The term of the lease will be for one year, with the provision for four one-year renewal options. The rental amount will be \$1,200 per month, funded from the 2011-12 and subsequent Budgets of the Department of Environmental Services.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-276
(Int. No. 315)

Authorizing An Agreement For The Lease Of Space For Downtown District Services

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

Section 1. The Director of Real Estate is hereby authorized to enter into an agreement with Salem Evangelical Church of Rochester, NY for the lease of space at 151 Cumberland Street to be used for Downtown District services provided by the De-

partment of Environmental Services. The agreement shall extend for a term of one year, with four additional one year renewal options.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$1,200 in monthly rent. Said amount shall be funded from the 2011-12 and subsequent Operating Budgets of the Department of Environmental Services, conditioned upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-277
Re: Agreement - High Falls Development Corporation, Maintenance Services

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with High Falls Development Corporation (principal: Ben Kendig) to provide maintenance services in the area previously known as the High Falls Festival Site. The cost of the agreement will be funded from the 2011-12 Budget of the Department of Environmental Services.

The High Falls Development Corporation is the owner, developer and operator of the High Falls Building adjacent to the former festival site. The firm leases the site and the two floors beneath it, from the City. The terms of lease stipulate that the Corporation is responsible for normal maintenance of the site and terrace areas. Additional services are provided for certain designated areas and are specified in the agreement.

Area-wide services include litter and trash removal; routine graffiti removal; repair and resetting of pavers as needed; reseating of pavers every two years; annual fertilizing and mulching of landscape beds; and watering and weeding of landscape beds as needed. Additional services, depending on the specific sub-areas, include: cleaning and removal of stains on pavers and concrete surfaces; painting of all metal surfaces; snow plowing, removal and deicing as needed; repointing of stone walls as needed; repair and painting of plastered walls on terrace as needed; painting of fences and railings as needed; replacement of light bulbs as needed; and weekly cleanup of the "shelf" area contiguous to the terrace.

High Falls Development Corporation was selected to provide maintenance services given its interests in the surrounding area, proximity to the site, and the capability to provide maintenance services. The firm has provided these services since 2000, with the most recent two-year agreement authorized in September 2009 (Ordinance No. 2009-313).

This agreement is proposed for one year only. Since the site is no longer used for festivals, the routine maintenance needs will be reduced. The possibility of providing ongoing service in-house will be investigated.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-277
(Int. No. 316)

Establishing Maximum Compensation For An Agreement For Former High Falls Festival Site Maintenance Services

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

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 maintenance services for the former High Falls Festival Site. Said amount shall be funded from the 2011-12 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-278
Re: Agreement - US Environmental Protection Agency, Brownfield Redevelopment of 62-64 Scio Street

Transmitted herewith for your approval is legislation authorizing an agreement with the United States Environmental Protection Agency (USEPA) for the receipt and use of a \$200,000 Brownfield Redevelopment Cleanup grant to finance the environmental cleanup of a City-owned parcel located at 62-64 Scio Street.

The cleanup project will include the development and implementation of a Corrective Action Plan to remediate the petroleum contamination attributed primarily to a former on-site gasoline underground storage tank system.

A portion of the grant will be used to reimburse the City for staff and supply costs required to conduct the project.

It is anticipated that the project will begin in fall 2011 with completion in spring 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-104

Ordinance No. 2011-278
(Int. No. 317)

Authorizing An Agreement For A Brownfields Redevelopment Cleanup Grant For 62-64 Scio Street

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Environmental Protection Agency for a Brownfields Redevelopment Cleanup Grant for the clean-up at 62-64 Scio Street.

Section 2. The sum of \$200,000 is hereby appropriated from United States Environmental Protection Agency Brownfields Cleanup Grant Funds to finance the cleanup at 62-64 Scio Street.

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. 2011-279
Re: Amendatory Agreement - The Pike Company, Chapel of Peace at Riverside Cemetery

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with The Pike Company, Rochester, for additional construction management services for the Chapel of Peace at Riverside Cemetery. Maximum compensation of \$250,000 was originally authorized via Ordinance No. 2009-426; an amendatory agreement in April 2011 (Ord. No. 2011-110) increased compensation by \$85,000. This second amendment will increase compensation by \$12,000 for a total of \$347,000. The additional cost will be funded from prior year Cash Capital allocations of the Department of Environmental Services.

When the agreement was amended in April 2011 (Ord. No. 2011-110), the anticipated completion of the project was May 2011. Further delays in the construction schedule are due to continued insufficient project management and sub-contractor coordination by the General Contractor, Patrick Development, Inc. The Pike Company is recommended to continue with closeout activities to ensure coordination and quality of final activities for completion of the structure.

The costs incurred by The Pike Company are in direct relation to these delays. Liquidated damages for missed construction schedule milestones are in the process of being assessed; it is the City's intent to recover the additional consultant costs through the deducted contract value.

Construction will be completed in August 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-279
(Int. No. 318)

Establishing Maximum Compensation For An Amendatory 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 \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and 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 Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-280
Re: Agreement - New York State Department Of Transportation, Lakefront Development Road Construction

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Transportation (NYSDOT) to participate in the Lakefront Development Road Construction Project.

The \$1,000,000 in New York State Multi-Modal Program funding for this project was appropriated in 1998 (Ord. No. 1998-379). Since then, new regulations issued by the State require a resolution to participate in the project and an agreement with the NYSDOT to secure the full project funding.

The Multi-Modal Grant provides funding for road construction in the Port of Rochester area between Latta Road and Beach Avenue. The funding shall support the completion of the road network system providing access to Ontario Beach Park, the Genesee River, and the terminal facilities at the Port of Rochester.

The terms of the grant agreement requires first instance funding for the \$1 million in grant funding and \$1 million in City funding. The first instance funding of \$1 million is provided from prior years' Cash Capital allocations authorized in Ordinance

No. 2010-69. The \$1 million in local funding is provided in previously appropriated bonds and cash capital expenditures which financed a portion of the development of the existing street system at the Port, and the River Street design and right-of-way costs as provided in the following Ordinance Nos.: 1998-240 (\$313,000), 1999-208 (\$119,000), 2000-232 (\$27,000), 2008-198 (\$55,000); and Bond Ordinance Nos. 2001-137 (\$74,000), 2001-138 (\$127,000), 2002-132 (\$90,000), and 2010-426 (\$195,000).

The Lakefront Development Road Construction is included in the Phase 1 Public Marina Improvements for which total costs are estimated at \$19,971,000. The Edgewater Group, the firm the City contracted with for design services for the Port Marina and Mixed Use Development Project (Ord. No. 2010-306), is designing the improvements, with construction planned for fall 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-105

Ordinance No. 2011-280
(Int. No. 319)

Authorizing The Implementation And Funding For The River Street Extension Improvement Project

WHEREAS, a Project for the River Street Extension Improvement Project, P.I.N. A218B (the Project") is eligible for funding under Title 23, U.S. Code, as amended, and New York State Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the City of Rochester desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

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

Section 1. The Council hereby approves the River Street Extension Improvement Project.

Section 2. The Council hereby authorizes the City of Rochester to pay in the first instance 100% of the federal, state, and local share of the cost of the work for the Project or portions thereof.

Section 4. The sum of \$2,000,000 appropriated in the following Ordinances: 1998-240 (\$313,000), 1999-208 (\$119,000), 2000-232 (\$27,000), 2001-137 (\$74,000), 2001-138 (\$127,000), 2002-132 (\$90,000), 2008-198 (\$55,000), 2010-146 (\$195,000) and 2010-69 (\$1,000,000), is hereby made available to cover the cost of participation in the Project.

Section 5. In the event the full federal, state, and local share of costs of the project exceeds the

amount appropriated above, the Council of the City of Rochester shall convene as soon as possible to appropriate said excess amount immediately upon notification by the NYSDOT thereof.

Section 6. The Mayor of the City of Rochester is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the City of Rochester with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible.

Section 7. A certified copy of this ordinance shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-281
Re: Agreement - New York State Office of Parks, Recreation and Historic Preservation, Grant Applications

Transmitted herewith for your approval is legislation authorizing applications to New York State for two Historic Preservation grants totaling up to \$800,000, and agreements with New York State for receipt of the grants if awarded. The grants would be used to partially finance the cost of masonry and window stabilization at the Mount Hope Cemetery New Chapel, and the installation of a fire suppression system at the Rundel Memorial Library. Each grant requires a 25% match from the City.

Mount Hope Cemetery New Chapel

The mortuary chapel (New Chapel) was constructed in 1912. The exterior masonry and windows have deteriorated extensively, threatening the structural integrity of the building as well as its architectural details. An October 2008 condition assessment of the building envelope recommended priority stabilization and repairs along the upper areas of the main body of the Chapel, including clerestory and end wall masonry and window systems.

The estimated cost of priority repairs for the west façade of the building is \$500,000. The grant application will request up to the maximum award of \$400,000 for the project.

Rundel Memorial Library Fire Suppression System

The Department of Environmental Services, Bureau of Architecture and Engineering assisted the Central Library in reviewing fire suppression system needs in November 2009 to address potential life safety issues. LaBella Associates, under a term

agreement, provided preliminary design and cost estimates.

The grant would offset the first phase of the installation of the system which would include the lower and upper stack level of the library and the portions of the building leased by the Rochester Historical Society. The estimated project cost is \$522,500; the application will request up to the maximum award of \$400,000.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-281
(Int. No. 320)

Authorizing Applications And Agreements For Grants For The Rundel Memorial Library And Mt. Hope Cemetery

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

Section 1. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation for funding for the restoration and repair of the Mt. Hope Cemetery New Chapel.

Section 2. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation for funding for the installation of a fire suppression system in the Rundel Memorial Library Building.

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. 2011-282
Re: Agreement - Clark Patterson Lee, Waring Road Improvement Project

Transmitted herewith for your approval is legislation establishing \$650,000 as maximum compensation for an agreement with Clark Patterson Lee, Rochester, for engineering planning and design services for the Waring Road Improvement Project, and appropriating \$73,650 from anticipated reimbursements from New York State to partially finance the planning, engineering, and right-of-way incidentals portions of the project.

The Waring Road Improvement Project is a Federal Aid project administered by the City through the New York State Department of Transportation (NYSDOT), and is identified in the City's 2010-11

Capital Improvement Program. The City is qualified to receive up to 80% of the eligible project costs from the Federal Highway Administration with the remaining 20% being a local share. Up to 75% of the eligible local share project costs qualify to receive reimbursement through the NYS Marchiselli Aid Program.

The non-local share of the agreement costs will be financed from anticipated reimbursements from the Federal Highway Administration (\$360,000) authorized by City Council in July 2010 (Ord. No. 2010-258), and anticipated reimbursements from NYS Marchiselli Aid Program (\$67,500). The local share of design costs (\$222,500) are funded from prior years Department of Environmental Services Cash Capital allocations.

The project includes street reconstruction or rehabilitation, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting system and tree plantings.

NYSDOT has established a pre-approved list of regional engineering firms, evaluated and recommended by federal, state and local staffs, from which project sponsors may obtain engineering services for Federal Aid transportation projects. Twelve firms submitted letters of interest. A committee selected four of these to interview: Stantec Consulting Services, Inc.; Bergmann Associates, P.C.; Erdman Anthony; and Clark Patterson Lee. Based on the qualifications of their team and knowledge of the project, Clark Patterson Lee is recommended.

This phase of the project results in the creation/retention of the equivalent of seven full-time jobs. Design of the project will begin in fall 2011 and is anticipated to be completed in spring 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-106

Ordinance No. 2011-282
(Int. No. 325)

Establishing Maximum Compensation For A Professional Services Agreement For The Waring Road Improvement Project And Appropriating Funds

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

Section 1. The sum of \$650,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Lee for engineering planning and design services for the Waring Road Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$222,500 shall be funded from the Cash Capital allocation from prior years, \$360,000 shall be funded from Federal

Highway Administration funds appropriated in Section 3 of Ordinance No. 2010-258 and \$67,500 shall be funded from the appropriation made in Section 2 hereof.

Section 2. The sum of \$73,650 is hereby appropriated from anticipated reimbursements from the State of New York to fund the Waring Road Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-283 and
Ordinance No. 2011-284
Re: Harper Group Curb Replacement Project

Transmitted herewith for your approval is legislation establishing \$47,000 as maximum compensation for an agreement with Passero Associates, P.C., Rochester, for Resident Project Representation (RPR) services; and authorizing the issuance of bonds totaling \$425,000 and the appropriation of the proceeds thereof to partially finance RPR and street improvements for the Harper Group Curb Replacement Project. The cost of the agreement will be funded from the proposed bond issuance (\$30,000) and Department of Environmental Service prior years' Cash Capital allocations (\$17,000).

The Harper Curb Replacement Project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. The total project cost is estimated to be \$467,600. The project will include new granite stone curbs, accessible curb ramps, spot concrete sidewalk replacement, driveway aprons, catch basins and landscaping.

Bids for construction were received on August 2, 2011. The apparent low bid of \$400,294 was submitted by Gordon J. Phillips, Inc., which is 7.9% less than the engineer's estimate. \$20,306 will be allocated for project contingencies. Construction of street improvements will be funded from the proposed bond issuance (\$395,000) and the Department of Environmental Services prior years Cash Capital allocations (\$25,600).

A request for qualifications for RPR services was posted to the City's website, with three responding firms: Bergmann Associates, P.C., Passero Associates, and Stantec Consulting Services, Inc. Passero Associates was selected to perform RPR services based on its availability, expertise and staffing assigned to the project.

A public informational meeting for the Harper Group project was held on May 12, 2011. The minutes of this meeting are attached. An additional public meeting will be held prior to construction.

This agreement will result in the equivalent of .5

consultant/professional and 4.4 construction public works jobs created or retained. Construction is anticipated to begin in fall 2011, with scheduled completion in spring 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-107

Ordinance No. 2011-283
(Int. No. 327)

Establishing Maximum Compensation For A Professional Services Agreement For The Harper Street Group Curb Replacement Project

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

Section 1. The sum of \$47,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates, P.C. for resident project representation services for the Harper Street Group Curb Replacement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Of said amount, \$30,000 shall be funded from a bond ordinance adopted for street purposes and \$17,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-284
(Int. No. 328)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$425,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Harper Street Group Curb Replacement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets, and necessary incidentals thereto and project representation services, as a part of the Harper Street Group Curb Replacement Project, including but not limited to Harper Street, Cornell Street, Wilmer Street and Wellesley Street, in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$467,600. The plan of financing includes the issuance of \$425,000 bonds of the City, and said amount is hereby appropriated therefor, together

with the application of \$42,600 in current city funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$425,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-285
Re: Inter-Municipal Agreement - RGRTA,
Midtown Revitalization Project

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester-Genesee Regional Transportation Authority (RGRTA) for relocation and replacement of two bus shelters as part of the Midtown Revitalization Project. The maximum cost associated with this agreement is \$15,000 and will be funded from prior years' Cash Capital allocations.

The on-going demolition work at the former Midtown Plaza site has necessitated the closure of two existing bus shelters on South Clinton Avenue, just south of East Main Street. The two existing shelters are owned by the City. RGRTA is proposing to purchase and install two new shelters to replace the City-owned shelters. The shelters will be located on North Clinton Avenue, about 350 feet north of the location of the existing shelter. The agreement obligates the City to provide utility service to the new shelters and to perform site preparations for the new shelters. It also obligates the City to reimburse RGRTA for its costs associated with the placement of the new shelters.

It is anticipated the new shelters will be installed by fall 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-285
(Int. No. 329)

**Authorizing An Agreement With RGRTA
For The Relocation Of Bus Shelters**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for the relocation and replacement of two bus shelters as a part of the Midtown Revitalization Project. The agreement shall obligate the City to perform site preparations for and to provide utility service to the new shelters, and to reimburse RGRTA for the costs of the placement of the new shelters.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$15,000 in conjunction with the relocation and replacement of the shelters, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember McFadden - 1.

By Councilmember McFadden
August 16, 2011

To the Council:

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

Int. No. 321 - Authorizing Agreements For The Teenage Pregnancy Prevention Program And Amending The 2011-12 Budget

Int. No. 322 - Establishing Maximum Compensation For A Professional Services Agreement For Computerized Records Management System Modules For The Rochester Fire Department, As Amended

Int. No. 291 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

The following entitled legislation is being held in Committee:

Int. No. 323 - Authorizing Agreements And Appropriating Funds For Focused Investment Strategy Projects

Respectfully submitted,
Matt Haag (Abstained on Int. No. 321)
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-286
Re: Agreements - Federal Teenage Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Teenage Pregnancy Prevention, Replication of Evidence-Based Programs Grant. This is the second year of a five-year research program undertaken in collaboration with the University of Rochester Medical Center. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services, Office of Adolescent Health for the receipt and use of a \$1,499,705 grant for the program;
2. Establish maximum compensation, to be funded from the grant, for agreements with the following organizations to provide related services:

Charles Settlement House	\$156,882
Baden Street Settlement/Metro Council for Youth Potential	\$214,538
The Community Place of Rochester	\$78,837
Threshold Center for Alternative Youth Services	\$78,837
YWCA of Rochester and Monroe County	\$111,595
University of Rochester Medical Center (evaluation Partner)	\$359,990

3. Amend the 2011-12 Budget of the Department of Recreation and Youth Services to reflect the balance of the grant, \$499,100. These funds will cover administrative costs associated with the City's role as lead agency and includes funding for a part-time Clerk III position, and four full-time positions: Project Director, Project Assistant, Recreation Center Liaison, Recreation Leader.

The Recreation Leader position funded by the grant is new for project year two. This position is needed to carry out additional activities funded at work readiness sites for the project.

The purpose of the program is to significantly

reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to: 1) successfully plan, develop, and implement the Teen Outreach Program curriculum with fidelity; 2) reduce adolescent pregnancy rates in the City; and 3) improve high school graduation rates in the City. The program will serve a total of 2400 youth over five years in areas of the city with the highest teen birth rates, which have been identified as ZIP codes 14605, 14608, 14611, 14613, and 14621.

The project description, progress report, and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-108

Ordinance No. 2011-286
(Int. No. 321)

Authorizing Agreements For The Teenage Pregnancy Prevention Program And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services, Office of Adolescent Health, for the receipt and use of funding for the operation of the Federal Teenage Pregnancy Prevention Program.

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

<u>Organization</u>	<u>Amount</u>
Charles Settlement House	\$156,882
Baden Street Settlement/Metro Council for Youth Potential	214,538
The Community Place of Rochester	78,837
Threshold Center for Alternative Youth Services	78,837
YWCA of Rochester and Monroe County	111,595
University of Rochester Medical Center (evaluation partner)	359,990

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$1,000,679, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the grant agreement authorized herein.

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

Section 5. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$499,100, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Spaul - 7.

Nays - None - 0.

Councilmember Haag and Councilmember Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-287
Re: Agreement - Alpine Software Corporation, Fire Department Records Management System

Transmitted herewith for your approval is legislation establishing \$23,860 as maximum compensation for a two year agreement with Alpine Software Corporation, Pittsford, NY, for the development and implementation of three additional records management system modules for the Fire Department Red NMX software. The cost of the agreement will be financed from prior years' Cash Capital.

Since 2003, the Rochester Fire Department has worked with Alpine Software for the development and implementation of a records management system to streamline mandated State and Federal incident reporting as well as to move from reliance on paper files and the mainframe computer system.

A previous agreement with Alpine Software Corporation to develop and implement the records management system was authorized through Ordinance No. 2003-393. This new agreement will enhance the current records management system with additional components to facilitate information management of the following RFD work activities:

- Parts and Inventory Management System
For use in the Apparatus Division and Supply Depot for parts inventory, work order management, and repair service history tracking
- Emergency Medical Services Reporting and Quality Assurance Review
For use by Line Division and EMS Division to expedite accurate State-mandated Patient Care Reports that are compliant with the Federal Health Insurance Portability and Accountability Act of 1996; and to track patient care results to determine training needs

- Pre-plan Development
This function will allow the Line Division to review building plans, emergency resources, and potential hazards on laptop computers in the apparatus in order to better undertake fire suppression activities

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-287
(Int. No. 322, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Computerized Records Management System Modules For The Rochester Fire Department

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

Section 1. The sum of \$[23,860] 31,455, or so 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 Alpine Software Corporation for additional computerized records management system modules for the Rochester Fire Department. The agreement may extend for a term of two years. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 291 was introduced July 19, 2011 and appears in its original form with its transmittal letter on page 278 of the current Council Proceedings.

Ordinance No. 2011-288
(Int. No. 291)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 323 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 323.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2011-289

Re: Youth Engagement and Employment Projects - Focused Investment Strategy Areas

Transmitted herewith for your approval is legislation related to three projects to be undertaken in Focused Investment Strategy areas. This legislation will:

1. Appropriate a total of \$329,410 from the Neighborhood and Asset-Based Planning Fund allocation of the 2009-10 Community Development Block Grant to support three youth projects in the FIS areas, as follows:

Mural Arts	\$100,000
PRIME Energy Conservation Internship Training	\$124,600
Rochester's Explorers	\$104,810

2. Establish \$136,600 as maximum compensation for an agreement with Action For A Better Community, Inc. to operate the PRIME Energy Conservation Internship Training project. The cost of the agreement will be funded from the CDBG funds appropriated herein (\$124,600) and the 2011-12 Budget of the Department of Recreation and Youth Services (\$12,000).

3. Authorize additional agreements as necessary for implementation of the projects.

The Department of Recreation and Youth Services is partnering with the Department of Neighborhood and Business Development to implement three projects to support the employment needs of residents from the Focused Investment Strategy (FIS) areas.

Mural Arts

This effort will work with youth from FIS areas to create, develop, and install mural art within the FIS areas. Mural projects will be developed in partnership with local resident and business associations to improve the community. Ten youth will be hired during the school year, and will receive training in community art development, leadership, communications, and customer service. Field trips and empowerment workshops will also be included. A lead artist and a project assistant, recruited from

FIS areas, will also be hired to work with the youth.

Total cost of this project is \$100,000.

PRIME Energy Conservation Internship Training
Ten participants recruited from FIS areas to enroll in this program operated by Action for A Better Community; each will be paid wages. The internship includes sixteen weeks of classroom and field training in preparation for certification by the Building Professionals Institutes. This certification provides eligibility for work on the Green Jobs Green New York project, which will retrofit hundreds of local homes for energy efficiency.

Total cost of this project is \$136,600.

Rochester's Explorers
This is a new program designed through a collaboration of DRYS and NBD staff as well as community partners, including Cornell Cooperative Extension of Monroe County, Cornell University, Rochester AmeriCorps, Rochester Youth Year, and the Safety Net Organizations.

This project is designed to support youth in achieving four goals: civic engagement, job readiness, career exploration, and college preparation for youth who live in the FIS areas of the Southwest and Southeast.

Fifteen youth, ages 14-16, will be recruited from each of the two FIS areas to work on projects proposed in the respective FIS Implementation Plans. The program will operate during the school year Monday through Friday from 4:00 to 6:00 p.m. and some Saturdays, at the SW and SE Neighborhood Service Centers. Activities will be determined primarily by the youth and coordinated by staff (a coordinator, two AmeriCorps members and a Vista volunteer). Participants will each receive a \$500 stipend, and those who successfully complete the program will be offered work experience through the 2012 Summer of Opportunity program.

The total cost of the project is \$118,810. The additional \$14,000 is funded by Cornell Cooperative Extension to support the wages of a program coordinator.

Project descriptions and budgets are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-109

Ordinance No. 2011-289
(Int. No. 323, As Amended)

Authorizing Agreements And Appropriating Funds For Focused Investment Strategy 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 Action for a Better Community, Inc. for the PRIME Energy Conservation Internship Training Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$136,600, and of said amount, or so much thereof as may be necessary, \$12,000 shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services and \$124,600 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation of the 2009-10 Community Development Block Grant.

Section 3. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation of the 2009-10 Community Development Block Grant the sum of \$100,000, or so much thereof as may be necessary, to fund the [Mural] City Arts Project.

Section 4. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation of the 2009-10 Community Development Block Grant the sum of \$104,810, or so much thereof as may be necessary, to fund the Rochester Explorers Program in the Southwest and Southeast Focused Investment Strategy Areas.

Section 5. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Rochester Explorers Program.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Warren
August 16, 2011

To the Council:

The Committee Of The Whole recommends for consideration the following entitled legislation:

Int. No. 331 - Local Law Amending The City Charter With Respect To The Deputy Mayor

The following entitled legislation is being held in Committee.

Int. No. 332 - Local Law Amending The City Charter With Respect To A Vacancy In The Office Of Mayor

Respectfully submitted,

Lovely A. Warren
Elaine M. Spaul
Carolee A. Conklin
Matt Haag
Dana K. Miller
Jacklyn Ortiz
Carla M. Palumbo
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 9
Re: Local Law - Amending the Charter
With Respect to the Deputy Mayor

Transmitted herewith for your approval is legislation which will amend Chapter 755 by further amending Section 3-2 with respect to the Deputy Mayor.

This legislation adds additional safeguards to ensure that there is continuity of government should the seat of the Mayor become vacant as it did earlier this year.

Furthermore, this legislation reflects the decision from the court case regarding the appointment of then Acting Mayor R. Carlos Carballada.

Respectfully submitted,
Lovely A. Warren
President, Rochester City Council

Local Law No. 9
(Int. No. 331)

Local Law Amending The City Charter With Respect To The Deputy 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 3-2, Deputy Mayor, by adding the following new sentence to the end thereof:

The Mayor may also designate in writing one or more interim successors who shall temporarily succeed to the powers and duties, but not the office, of Mayor in the event that neither the Mayor nor Deputy Mayor is able for any reason to perform the powers and duties of the office.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 332
Re: Local Law - Amending the Charter
With Respect to a Vacancy in the
Office of Mayor

Transmitted herewith for your approval is legislation which will amend Chapter 755 by further amending Section 3-2.1 with respect to the Vacancy in the Office of Mayor.

During the process to fill the vacancy that occurred in the Office of the Mayor earlier this year, it became clear that the Charter did not give a definitive course of action to take. It is the intention of this Council to develop a plan of succession that is reflective of the wants of the community and offers a clear and definitive way that a vacancy would be filled.

The Council will hold a public forum on this legislation, separate and in addition to the "Speak to Council" opportunity that is offered prior to monthly Council Meetings. This legislation, once passed, will then go to a referendum this November and this legislation will only go into effect if passed on Election Day.

This is a controversial and extremely important issue for our community and this legislation that is being introduced is a starting point. It is the intent of the Council to amend this legislation if needed based on community input at the public forum. The public forum will be held on Tuesday, August 16th at 5:30pm in Council Chambers.

Respectfully submitted,
Lovely A. Warren
President, Rochester City Council

Introductory No. 332

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO A VACANCY IN THE OFFICE OF 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 3-2.1, Vacancy in the office of Mayor, to read in its entirety as follows:

§ 3-2.1. Vacancy in the office of Mayor.

If there is a vacancy in the office of Mayor arising otherwise than by expiration of term, the Deputy Mayor shall hold office as the Mayor until a successor is elected as set forth herein. If there is no Deputy Mayor at the time of the vacancy, the Council shall appoint by a majority vote a person who is registered in the same political party as the person who vacated the office, to hold office as the Mayor until a successor is elected as set forth herein. If such vacancy occurs on or after July 1 and before August 20 of the same year, a successor shall be elected at a

special election to be held at the next general election occurring after such vacancy. If such vacancy occurs at any other time, within 20 days of such vacancy Council shall establish the date of a special election at which a successor shall be elected, which election shall be held not less than 70 nor more than 80 days from such date; provided, however, that the special election shall be held at least 45 days and not more than 55 days after the general election if the maximum time to establish and hold such election were to expire before or within 55 days after the general election. The person elected as Mayor shall take office upon certification of the election and shall hold office for the remainder of the unexpired term. Notwithstanding the above, if such vacancy occurs on or after the date of the general election in the third year of a term, the Deputy Mayor or appointee shall hold office for the remainder of the unexpired term.

Section 2. This local law shall be submitted for the approval of the electors at the general election to be held on November 8, 2011 and shall take effect immediately upon certification of its approval by the affirmative vote of a majority of the qualified electors voting on said proposition.

Held in Committee.

The meeting was adjourned at 8:45 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL MEETING
AUGUST 26, 2011
3:30 P.M.

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

Absent - None - 0.

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

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

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 10

Pursuant to Section II of the Rules of City Council, I am hereby calling a Special Meeting of the City Council for Friday, August 26, 2011 at 3:30p.m. to act upon the following legislation:

Int. No. 332A - Local Law, Amending the City Charter with Respect to a Vacancy in the Office of

Mayor

This legislation will authorize a referendum to be placed on the ballot on Election Day. Final passage of this legislation will be determined through the referendum vote.

This legislation, if passed, will change the way a vacancy in the Office of the Mayor would be filled. The legislation outlines a definitive succession plan based on the time of the year that the seat becomes vacant.

I am respectfully asking Council to take action at a special meeting on the attached legislation.

Respectfully submitted,
Lovely A. Warren
President

Local Law No. 10
(Int. No. 332A)

Local Law Amending The City Charter With Respect To A Vacancy In The Office Of 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 3-2.1, Vacancy in the office of Mayor, to read in its entirety as follows:

§ 3-2.1. Vacancy in the office of Mayor.

If there is a vacancy in the office of Mayor arising otherwise than by expiration of term, the Deputy Mayor shall be the Mayor until a successor is elected as set forth herein. If there is no Deputy Mayor at the time of the vacancy, the Council shall appoint by a majority vote a person who is registered in the same political party as the elected Mayor who vacated the office, to be the Mayor until a successor is elected as set forth herein. If such vacancy occurs on or after the date of the general election and not less than 30 days before the last day for filing designating petitions in the subsequent regular election cycle, a successor shall be elected at the next general election occurring after such vacancy, following the procedures set in the Election Law. If such vacancy occurs at any other time, within 20 days of such vacancy Council shall establish the date of a special election at which a successor shall be elected, which election shall be held not less than 70 nor more than 80 days from such date; provided, however, that the special election shall be held at the general election if either the minimum or maximum time to establish and hold such election would expire on the date of the general election or within 45 days before such general election and provided further that the special election shall be held at least 35 days and not more than 42 days after the general election if the maximum time to establish and hold such election would otherwise expire with-

in 42 days after the general election. The person elected as Mayor shall take office upon certification of the election and shall hold office for the remainder of the unexpired term. Notwithstanding the above, if such vacancy occurs on or after the date of the general election in the third year of a term, the Deputy Mayor or appointee shall hold office for the remainder of the unexpired term.

Section 2. This local law shall be submitted for the approval of the electors at the general election to be held on November 8, 2011 and shall take effect immediately upon certification of its approval by the affirmative vote of a majority of the qualified electors voting on said proposition.

Passed by the following vote:

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

Nays - Councilmembers Conklin, Ortiz, Spaul - 3.

The meeting was adjourned at 3:45 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
SEPTEMBER 14, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Environmental Services

- *Bonita Clements
- *Artemio Cuadrado
- *Charles R. Dickinson
- *William N. Eckam
- Michael D. Leach
- *Kathleen Meeh
- *Jacqueline Meisenzahl
- *Leonard J. Miraglia Jr
- *Michael P. O'Toole
- *John T. Salisbury
- *Thomas E. Spies

Recreation & Youth Services

- *Mark A. Harold
- *John McCutcheon

Finance Department

- *Rosemary F. Page

Fire Department

- *Edward D. Ferrante
- *Frederick T. Johnstone

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Ortiz

RESOLVED, that the minutes of the Special Meeting of August 11, 2011, the Regular Meeting of August 16, 2011 and the Special Meeting of August 26, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

- Administrative Cancellation or Refund of Erroneous Taxes and Charges 4055-11
- Public Disclosure - HOME Participation 4056-11
- Quarterly Reports 4057-11
- General Liability Claims
- Workers Compensation Claims

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Petition in opposition to City of Rochester dumping leaves on the Gleason Parking Lot, 53 signatures Petition No. 1657

PUBLIC HEARINGS.

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

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The George Eastman House As Planned Development District No. 14 Int. No. 342 No speakers.

Changing The Zoning Classification Of Parcels At 850 And 900 East Avenue, 16 Portsmouth Terrace And 911-913 University Avenue From R-2 Medium-Density Residential, And 930 East Avenue From R-3 High-Density Residential, To PD #14 - George Eastman House Int. No. 343 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 14, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 335 - Cancellation Of Taxes And Charges

Int. No. 336 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2011-12 Budget

Respectfully submitted,
 Carolee A. Conklin
 Jacklyn Ortiz
 Loretta C. Scott
 Lovely A. Warren
 Elaine M. Spaul
 FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2011-290
 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 \$21,075.06 related to the property located at 192 Mill Street.

The property was eligible for and receiving COMIDA and Empire Zone tax abatement benefits. The owner, Mill St. Realty, LLC, prior to transferring out of COMIDA in August 2010, filed an application to ensure continuation of Empire Zone benefits; the application was approved. However, a clerical error resulted in a failure to note this change and the associated exempt amount of \$492,500, resulting in the amount of \$21,075.06 being mistakenly billed to the 2011-12 tax account.

If these cancellations are approved, total cancellations thus far for 2011-12 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	2	\$26,325.06
Administrative	0	0.00
Total	2	\$26,325.06

These cancellations represent 0.011% of the taxes receivable as of July 1, 2011.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AK-110

Ordinance No. 2011-290
 (Int. No. 335)

Cancellation Of Taxes And Charges

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

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

- (A) The property located at 192 Mill Street had transferred out COMIDA on 8/9/2010. Prior to transferring out, the owners filed a 485-e application in 2009 to insure that they would

continue with the Empire Zone benefits. The property was eligible for three separate abatement amounts totaling \$492,500. The first exempt amount is for \$50,000 with two years remaining on the abatement; the second exempt amount is for \$292,500 with three years remaining; and the third exempt amount is for \$150,000 with eight years remaining. The exemptions decline during the remaining terms. Due to a clerical error, the exemptions were not put on for 2011-2012.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
091.76-3-40	N	2012	\$21,075.06
	192 Mill Street		
Grand Total			\$21,075.06

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. 2011-291
 Re: Agreements - Clarissa Street Reunion 2009

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State for the receipt and use of a \$5,000 grant; establishing \$5,000 as maximum compensation for an agreement with the Clarissa Street Reunion Committee for reimbursement of expenses incurred for the 2009 Clarissa Street Reunion; and amending the 2011-12 Budget of the Bureau of Communications to reflect the grant.

The Clarissa Street Reunion has taken place annually for the past sixteen years. This event brings thousands of current and former residents, families, and friends together for a full day of festivities, including parades, food, music and other activities.

This \$5,000 grant was included in the 2009-10 New York State Budget through the efforts of Assembly member David Gantt.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2011-291
 (Int. No. 336)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 Budget of the Bureau of Communications.

Section 4. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Bureau of Communications by the sum of \$5,000, which amount is hereby appropriated from funds to be received from the State of New York for the Clarissa Street Reunion.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
September 14, 2011

To the Council:

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

Int. No. 337 - Authorizing The Sale Of Real Estate

Int. No. 338 - Authorizing An Amendatory Agreement For The Homelessness Prevention And Rapid Re-Housing Program

Int. No. 339 - Establishing Maximum Compensation For A Professional Services Agreement For A Homelessness Study

Int. No. 340 - Authorizing An Amendatory Parking Lot Lease And The Sale Of A Portion Of 33 Capron Street

Int. No. 341 - Authorizing Applications And Agreements For Brownfields Opportunity Area Grants For The Bull's Head Neighborhood

Int. No. 344 - Adopting Environmental Findings For The George Eastman House Project

Int. No. 359 - Amending Ordinance No. 2011-

243, Relating To The Reacquisition Of Land In The Rochester Science Park

Int. No. 360 - Bond Ordinance Of the City Of Rochester, New York, Authorizing The Issuance Of \$225,000 Bonds Of Said City To Finance The Cost Of The Reacquisition Of 250 Science Parkway In The Rochester Science Park In The City

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

Int. No. 342 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The George Eastman House As Planned Development District No. 14

Int. No. 343 - Changing The Zoning Classification Of Parcels At 850 And 900 East Avenue, 16 Portsmouth Terrace And 911-913 University Avenue From R-2 Medium-Density Residential, And 930 East Avenue From R-3 High-Density Residential, To PD #14 - George Eastman House

The following entitled legislation is being held in Committee:

Int. No. 358 - Authorizing The Release Of A Restrictive Covenant At 125 Lattimore Road

Respectfully submitted,
Carla M. Palumbo (*Abstained on Int. No. 338*)
Carolee A. Conklin
Dana K. Miller (*Did not vote on Int. No. 337; Abstained on Int. No. 341*)
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-292
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 28 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 sixteen properties are vacant lots sold by proposal. All are being sold to their adjacent owners. With the exception of the nine lots being sold to AJR Real Estate, the parcels will be combined with the purchaser's adjacent property. The lots being sold to AJR Real Estate will be combined with each other where a common boundary exists. These lots cannot be combined with the purchaser's

adjoining parcels due to differences in zoning classifications. These nine lots on Council Street and Lochner Place are being purchased for additional green space and for future business expansion of Ramar Steel Inc. at 448 Portland Avenue. The lot located at 858-860 Culver Rd will be used for the expansion of the parking lot for the McDonald's restaurant located at the corner of Culver Road and E. Main Street.

The next twelve properties are unbuildable vacant lots; they are each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these 28 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,847.

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

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-111

Ordinance No. 2011-292
(Int. No. 337)

Authorizing The Sale Of Real Estate

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

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>	<u>Price</u>
296 and 300-304 Central Pk and 19	80x121 Brian Pettit	9,620	\$ 500
24 Council St 106.42-3-8	40x73 AJR Real Estate Holdings, LLC*	2,850	\$ 295
30-32 Council St 106.42-3-9	37x123 AJR Real Estate Holdings, LLC	4,499	\$ 456
36 Council St 106.42-3-10	43x123 AJR Real Estate Holdings, LLC	7,401	\$ 728
42 Council St 106.42-3-11	40x73 AJR Real Estate Holdings, LLC	2,933	\$ 295
56 Council St 106.42-3-14	40x76 AJR Real Estate Holdings, LLC	3,056	\$ 307

68 Council St 106.42-3-16	40x76 AJR Real Estate Holdings, LLC	3,056	\$ 307
858-860 Culver Rd 107.71-1-38	40x200 Lois E. Wolfanger Trust**	8,169	\$5,000
213-215 Grand Av 107.61-2-19	50x100 George Joseph, Sr.	5,000	\$ 425
234-236 and 240-246 Jefferson Av 120.44-1-40 and 41	101x87 Marjorie Fairwell	9,129	\$ 550
1 Lochner Pl 106.34-2-36	36x110 AJR Real Estate Holdings, LLC	4,033	\$ 403
5 Lochner Pl 106.34-2-34	36x110 AJR Real Estate Holdings, LLC	4,033	\$ 403
9-11 Lochner Pl 106.34-2-31.1	73x110 AJR Real Estate Holdings, LLC	8,066	\$ 806
462 Parsells Av 107.55-3-69	40x115 Joseph DiFiore	4,600	\$ 425

* Principal: Anthony J. Randall; Owner & Sole Proprietor
** Trustees: Lois E. Wolfanger; Sole Member

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>
341 Averill Av 121.56-3-23	30x82 Paul & Marilyn Frappoli	2,398
5 Carl St 106.30-2-3	37x93 Jessie Wilson & Murlyn Harrison	3,454
327 Clifford Av 106.30-3-61	34x100 Sammy & Melody Drumgoole	3,400
1026-1028 Clifford Av 106.33-2-30	37x90 Virginia Martin	3,317
431-433 Columbia Av 120.75-1-18	36x111 Terrell Prince	3,906
87 Harvest St 106.43-4-11	33x72 Jose Oquendo	2,357
Pt. of 55 Hollenbeck St (EH) Pt. of 106-22-1-10	40x40 Joe Nathan & Myra James	1,600
Pt. of 55 Hollenbeck St (WH) Pt. of 106.22-1-10	40x40 Carlos Anthony Price	1,600
32 Leighton Av 107.78-1-77	35x138 Ronald Resnick	4,830
795 Portland Av 091.83-3-8	34x136 Lysette & Carlos Flecha	4,036
57 Prospect St 120.44-2-51	37x83 Ivalina & Johnny Blair	2,961
58 Radio St 106.30-4-50	35x96 Willie Appleberry	3,366

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. 2011-293
Re: Amendatory Agreement -
Coordinated Care Services,
Inc., Homelessness Prevention
and Rapid Re-housing Program

Transmitted herewith for your approval is legislation related to the Homelessness Prevention and Rapid Re-housing Program (HPRP). This legislation will:

1. Authorize an amendatory agreement with Coordinated Care Services, Inc. to increase compensation by \$5,418.08. The additional amount will be funded from the HPRP allocation of the 2008-09 Consolidated Community Development Plan, as re-appropriated below.
2. Amend Ordinance No. 2009-280 to reduce original allocations to service providers as summarized below, and reappropriate the resulting balance of \$5,418.08 to finance the additional compensation to CCSI. These amounts reflect the remaining balance of unused funds for each of the providers.

<u>Agency</u>	<u>Original Allocation</u>	<u>Unused Funds</u>	<u>Final Allocation</u>
Baden Street Settlement, Inc.	\$9,500	\$ 1.00	\$9,499.00
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	\$6,600	101.71	\$6,498.29
Catholic Family Center/Emergency Services	\$11,940	2.00	\$11,938.00
Dimitri House, Inc.	\$4,000	4,000.00	0
Grace Urban Ministries, Inc.	\$13,880	1,289.49	\$12,590.51
Wilson Commencement Park	\$10,830	23.88	\$10,806.12
Total reductions		\$5,418.08	

HPRP was established via Ordinance No. 2009-149; Ordinance No. 2009-280 authorized agreements with service providers and an agreement with Monroe County and CCSI for the administration of *Heading Home*, the principal component of HPRP. The program is supported by federal stimulus awards of \$3,954,235 and \$789,300 to the City and the County, respectively. Total compensation for the City's share for CCSI after deducting administrative costs, was \$3,698,399 for up to three years.

To reflect an unanticipated shift in service needs, the City share of compensation to CCSI was previously reduced by \$79,700 (Ord. No. 2010-322). This current amendment will increase the City share by \$5,418.08 to accommodate subsequent shift in service needs and to ensure that available funds are spent according to federal guidelines. Total maximum compensation will now be \$3,624,117.08.

HPRP provides homelessness prevention and rapid re-housing assistance in accordance with a model developed in 2009 by service providers and funders. Individuals and families who are homeless or at-risk of being homeless, and who are at or below 50% of Median Family Income, are eligible for case management and housing services, and financial assistance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-112

Ordinance No. 2011-293
(Int. No. 338)

Authorizing An Amendatory Agreement 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 Mayor is hereby authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. for services under the Homelessness Prevention and Rapid Re-Housing Program.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$5,418.08, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the Homelessness Prevention and Rapid Re-Housing Program Funds reduced in Section 3.

Section 3. The Mayor is hereby authorized to reduce funding in the following amounts for projects under the Homelessness Prevention and Rapid Re-Housing Program:

<u>Organization</u>	<u>Amount</u>
Baden Street Settlement of Rochester, Inc.	\$ 1.00
Catholic Charities Community Services	101.71
Catholic Family Center/Emergency Services	2.00
Dimitri House, Inc.	4,000.00
Grace Urban Ministries, Inc.	1,289.49
Wilson Commencement Park	23.88

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Spaul - 7.

Nay - None - 0.

Councilmembers Palumbo and Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-294
Re: Agreement - DePaul Key Housing, Inc.,
Evaluation and Recommendations:
Services For the Homeless

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with DePaul Key Housing, Inc. for an analysis of services currently available for homeless or at-risk individuals, and recommendations for future service delivery. The cost of this agreement will be financed from the 2011-12 Undistributed Budget (Efficiency and Effectiveness allocation).

In 2010, a Homelessness Resolution Strategy Team, coordinated by City staff, was convened to address the challenges posed by the community's homeless and at-risk of homeless families and individuals, including veterans and children. Team members include representatives of Monroe County's Department of Human Services and Office of Mental Health, the Rochester Monroe County Continuum of Care, House of Mercy, Open Door Mission, The Salvation Army, and the YWCA.

The goal established by the team was to eliminate within five years the need for the expensive and unsatisfactory practice of short-term emergency placement in private hotels when mission-based emergency facilities have reached full capacity. Such placements leave clients without access to critical support services and deter City revitalization efforts. The team also identified the need for a community-wide, consistent system of client intake and needs assessment that would focus on finding permanent housing and associated service delivery.

A Request for Proposals (RFP) was issued on March 7, 2011 for a study of what is needed to implement a community-wide, common intake, assessment, and placement system; and recommendations for type, design and location of facilities for short term and permanent support-based placements. The RFP was posted on the City's website, in the *Democrat & Chronicle*, and sent directly to 62 agencies, planning consultants, service groups, and developers.

In addition to DePaul Key Housing, Inc., proposals were received from Cares, Inc. and the Center for Governmental Research, Inc. DePaul was selected on the basis of assembling the most robust strategic team of both homelessness and construction ex-

perts; exhibiting the soundest and most direct approach to researching best practices in housing the homeless and developing policies to prevent homelessness; the depth and breadth of their long community experience in support services for the mentally ill, disabled, and elderly populations; and their demonstrated capacity in facility design and operations for disadvantaged populations.

DePaul will provide a written report that includes their findings and recommendations related to the types, numbers, costs, and locations of housing units needed to serve homeless populations. Their report will also provide guidance for the development of a single point of entry to the community-wide homelessness service network.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-294
(Int. No. 339)

Establishing Maximum Compensation For A Professional Services Agreement For A Homelessness Study

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 DePaul Key Housing, Inc. for a study of the community response to individuals that are homeless or at risk of becoming homeless and recommendations for future service delivery. Said amount shall be funded from the 2011-12 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-295
Re: Amendatory Lease Agreement and Sale
Of Property - Capron Street Parking

Transmitted herewith for your approval is legislation related to a surface parking lot at 33 Capron Street as part of the revitalization of the South Avenue and Capron Street area. This legislation will:

1. Authorize an amendatory lease agreement with Excellus Health Plan, Inc. for a parking lot at 33 Capron Street, by reducing the leasable area by approximately 1,897 square feet and permitting Excellus to sublease a portion of the property to Riverview Lofts, LLC; and
2. Authorize the sale of approximately 1,897 square feet of 33 Capron Street to Riverview

Lofts, LLC for the appraised amount of \$8,000 as established by an independent appraisal prepared by Robert G. Pogel, SRPA.

The City of Rochester owns the 165-space surface parking lot located at 33 Capron Street and, since April 1999, has leased the lot to Excellus for their employees working at 165 Court Street. The term of the lease with Excellus is ten years with eight 10-year renewal periods, and a ninth, final renewal option of nine years.

Riverview Lofts, LLC (principals: Stephen Kiner, Brian Kiner, Patrick Dutton, Alex Tortora and Mark Coccia) owns an adjacent property at 228 South Avenue, also known as Capron Street Lofts, a condominium property under development. The City sold a parcel at 244 South Avenue to Riverview for the development of parking for the project (Ord. No. 2008-362).

A portion of the parcel at 33 Capron Street currently under lease to Excellus will be sold to Riverview Lofts for their use as direct and more secure pedestrian access to their existing parking at 224 South Avenue and the condominiums at 228 South Avenue. The reduction of the parcel leased to Excellus will not affect the number of parking spaces; therefore the monthly rental amount will remain at \$6,860 until the next lease renewal.

The lease will be further modified to allow Excellus and Riverview Lofts, as part of a sub-lease of the parking lot at 33 Capron Street, to share 29 parking spaces. Visitors to Capron Street Lofts will have access to the parking spaces during non-business hours, when Excellus is least likely to need that section of the parking lot. In exchange, Riverview Lofts will provide curbing and landscaping improvements to delineate the sublet portion of the parking lot. Any and all required costs associated with the sub-leasehold improvements and maintenance will be the sole obligation of Riverview Lofts.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-113

Ordinance No. 2011-295
(Int. No. 340)

Authorizing An Amendatory Parking Lot Lease And The Sale Of A Portion Of 33 Capron Street

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

Section 1. The Council hereby approves an amendatory lease agreement with Excellus Health Plan, Inc. for the parking lot at 33 Capron Street whereby the area of the lease will be reduced by approximately 1,897 square feet, and whereby Excellus will be permitted to sublease a portion of the lot to Riverview Lofts, LLC.

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

Section 3. The Council hereby approves the sale of a portion of 33 Capron Street, SBL #121.400-1-15.1, of approximately 1,897 square feet, to Riverview Lofts, LLC for the sum of \$8,000.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-296
Re: Agreement - New York State
Department Of State, Brownfields
Opportunity Area Program Application

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State for Brownfields Opportunity Area (BOA) Program grant to fund a BOA nomination study in the Bull's Head neighborhood. The Sector 4 Community Development Corporation (S4CDC) is a co-applicant for the grant.

Brownfields are defined as underutilized or abandoned properties that have potential environmental problems. The BOA program provides funding to assist municipalities and community-based organizations with the costs of inventorying brownfields, completing area-wide planning approaches to brownfields redevelopment, and investigating key brownfield sites. BOA grants provide funding for up to 90 percent of eligible project costs. A 10 percent local match is required which will be funded through a combination of in-kind services and existing City funding sources.

If awarded, the grant will support preparation of the BOA nomination study, the second phase of a BOA program. The pre-nomination study has been completed and is a pre-requisite for application to the nomination phase. The nomination study will include an assessment of current conditions in the selected area, and a plan for redevelopment. The Bull's Head neighborhood was selected because of its concentration of vacant and underutilized properties as well as its prominence as a western gateway to Downtown.

The City and S4CDC will work closely with the Southwest Common Council and key neighborhood groups throughout the nomination phase. The New York State Department of State will use the resulting nomination, if approved, to establish a Brownfields Opportunity Area, which will provide preferred-funding status. Site investigation grant funding is available once a nomination study is complete.

Applications to the BOA program require coordination with a community-based organization and endorsement by the local governing body.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-114

Ordinance No. 2011-296
(Int. No. 341)

**Authorizing Applications And Agreements
For Brownfields Opportunity Area Grants For
The Bull's Head Neighborhood**

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

Section 1. The Mayor is hereby authorized to submit all necessary applications to and enter into agreements with the New York State Department of State in conjunction with the Sector 4 Community Development Corporation for Brownfields Opportunity Area Grants for brownfields identification and analysis and economic development planning in the Bull's Head Neighborhood.

Section 2. The City of Rochester, after thorough consideration, has hereby determined that the Project, as described in its application and attachments, is desirable. The City of Rochester deems it to be in the public interest and benefit under §970-r of the General Municipal Law to enter into State Assistance Contracts for the purpose of the Project. The City of Rochester agrees that it will complete the Project and that it will fund its portion of the 10% share of the Project.

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

Section 4. The City of Rochester's Manager of the Division of Environmental Quality is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project, after the initial applications and agreements. The representative is also authorized to request payment advances and reimbursements; redistribute contract reimbursements as appropriate; submit Project documentation; and otherwise act for all applicants in all matters related to the Project and to State assistance.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Miller abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-297,
Ordinance No. 2011-298 and
Ordinance No. 2011-299
Re: George Eastman House Planned
Development District #14

Transmitted herewith for your approval is legislation relating to the establishment of a planned development district that will incorporate 850, 900, and 930 East Avenue, and 16 Portsmouth Terrace which are owned by the George Eastman House; and 911-913 University Avenue which is owned by the Forty-and-Eight Monroe Voiture 111 veterans' organization. This legislation will:

1. Amend the Zoning Text by adding PD#14 George Eastman House Planned Development District regulations to Chapter 120, the Zoning Code, and approving the Development Concept Plan;
2. Amend the Zoning Map by rezoning 850 and 900 East Avenue, 16 Portsmouth Terrace, and 911-913 University Avenue from R-2, and 930 East Avenue from R-3, to Planned Development District #14 George Eastman House;
3. Adopt the SEQR Findings Statement, thereby fulfilling the obligation as an Involved Agency under the State Environmental Quality Review Act. A negative declaration was issued on July 21, 2011 and is on file with the City Clerk's Office.

A planned development district carries its own zoning regulations. The proposed PD #14 regulations, modeled on PD #4 Rochester Museum & Science Center (adopted in 2004), are attached.

The parcels to be included in the district are currently zoned medium- and high-density residential, limiting development to residential uses. The proposed regulations would allow several uses in support of the missions of both organizations. Although no new construction is currently planned, GEH desires to use a portion of 930 East Avenue (Hutchison House) for a public restaurant accessory to museum activities.

The review and evaluation of the proposed district included:

- A Site Plan Review to determine impacts on adjacent properties and public services; this required published notification as well as a direct mailing to adjacent property owners.
- A public information meeting was held on June 6, 2011. Notification postcards were mailed to all addresses within 500' and to all known community leaders. Three neighbors attended and offered no opposing viewpoints.
- The City's Project Review Committee assessed the proposal at its meeting on August 3, 2011; no changes were recommended.
- The Planning Commission held an informa-

tional meeting on August 8, 2011. There was one speaker in support and none in opposition. By a vote of 4-0-0 the Commission recommended approval. The minutes of that meeting are attached.

Public hearings are required for the Zoning Text and Zoning Map amendments.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-115

Ordinance No. 2011-297
(Int. No. 342)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The George Eastman House As Planned Development District No. 14

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Planned Development District No. 14 - George Eastman House and approving the Development Concept Plan for the George Eastman House, constituting the parcels at 850, 900 and 930 East Avenue, 16 Portsmouth Terrace and 911-913 University Avenue, to read in its entirety as follows:

Planned Development District No. 14
George Eastman House

- A. Purpose and Intent. The intent of Planned Development District No. 14 is to recognize and permit a defined area for the delivery of programs and community services offered by George Eastman House and the Monroe Voiture 111, and to provide for the orderly growth and development of the properties.
- B. Permitted uses. Permitted uses include the following when consistent with the above purpose.
 - 1. Exhibit and entertainment uses supporting the institutions, including museums, galleries, theaters, exhibition spaces, and auditoriums.
 - 2. Educational facilities supporting the institutions, including classrooms, lecture halls, conference room, libraries, laboratories, administrative and faculty offices, student and faculty housing, daycare center.
 - 3. Accessory uses supporting the institutions, including offices, gift shops, bookstores, archive storage, maintenance and storage facilities and parking lots.
 - 4. Restaurant and banquet facilities support-

ing the institutions, including accessory entertainment and accessory outdoor seating and assembly areas, provided the regular operating hours of the facilities are between the hours of 6:00 a.m. and 12:00 p.m.

- 5. Multifamily dwellings in existing buildings.
- C. Special Permit uses. The following uses require a special permit:
 - 1. Multifamily dwellings in newly constructed buildings.
- D. Bulk, space and yard requirements.
 - 1. Maximum height:
 - a. Principal use or structure: 4 stories or 60 feet within 250 feet of University Avenue; 3 stories or 40 feet along East Avenue or internal to the site
 - b. Accessory use or structure: 30 feet
 - 2. Maximum building coverage: 35%; and 50% in subarea A
 - 3. Maximum lot coverage: 50%; and 65% in subarea A
 - 4. Minimum yard requirements for buildings and parking:
 - a. Front yard along East Avenue: 120 feet
 - b. Front yard along University Avenue: 20 feet
 - c. Side yards: 20 feet
 - d. Rear yards:
 - [1] Principal use or structure: 20 feet
 - [2] Accessory use or structure: 10 feet
- E. Off-street parking and loading requirements.
 - 1. Parking.
 - a. Parking for uses on the properties may be located anywhere in the planned development district except that new parking facilities may not be located within the front yard setbacks.
 - b. Proposals for new or expanded parking facilities must be accompanied by a parking demand analysis as set forth in section 120-173B of the Zoning Code.
 - c. Parking shall comply with the parking lot design and maintenance standards set forth in section 120-173F of the Zoning Code.

- 2. Loading.
 - a. Loading shall comply with the requirements set forth in section 120-172 of the Zoning Code.

F. Accessory Structures

- 1. Accessory structures are permitted in connection with the established uses within the district and shall not be located in a front yard. Accessory structures include garages, sheds, decks, patios, terraces, solar and wind energy systems, and the like.

G. Signage

- 1. A sign program shall be developed for the district, which will include building identification, way finding, and event promotion. The sign program is subject to site plan review approval by the Director of Planning and Zoning and a Certificate of Appropriateness from the Rochester Preservation Board.
- 2. Signage regulations subject to city-wide guidelines and standards as contained in section 120-177 of the Zoning Code.

H. Other

- 1. This planned development district is subject to the requirements set forth in Article XVII of the Zoning Code.
- 2. The general height exceptions set forth in Article XXIII shall apply.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-298
(Int. No. 343)

Changing The Zoning Classification Of Parcels At 850 And 900 East Avenue, 16 Portsmouth Terrace And 911-913 University Avenue From R-2 Medium-Density Residential, And 930 East Avenue From R-3 High-Density Residential, To PD #14 - George Eastman House

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 850 and 900 East Avenue, 16 Portsmouth Terrace and 911-913 University Avenue from R-2 Medium-Density Residential, and 930 East Avenue from R-3 High-Density Residential, to PD #14 - George Eastman House:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lots 43 & 51, Township 13, Range 7 and being more particularly bounded and described as follows: Beginning at a point in the centerline of University Avenue (100' ROW), 203.84 feet east of the centerline of Portsmouth Terrace (107' ROW), said point being the northerly extension of the west line of Lot R-134 of the George Eastman House Resubdivision, as filed in the Monroe County Clerk's Office in Liber 246 of Maps, Page 64 and being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of University Avenue, a distance of 813.3 feet, more or less, to the northerly extension of the east line of lands conveyed to Monroe Voiture No. 111 Memorial Home, Inc by a deed filed in Liber 2251, Page 492; thence
- 2) Southerly, along said east line of Monroe Voiture No. 111, a distance of 400.0 feet, more or less, to the southeast corner thereof; thence
- 3) Westerly, along the south line of said lands of Monroe Voiture No. 111, a distance of 120.0 feet to the northeast corner of lands conveyed to the International Museum of Photography at George Eastman House by a deed filed in Liber 5150, Page 188; thence
- 4) Southerly, along the east line of said lands of the International Museum of Photography, a distance of 585.0 feet, more or less, to the centerline of East Avenue (75' ROW); thence
- 5) Westerly, along said centerline of East Avenue, a distance of 740.0 feet, more or less, to the southerly extension of the west line of lands conveyed to George Eastman House, Inc by a deed filed in Liber 2827, Page 317; thence
- 6) Northerly, along said west line of George Eastman House, Inc, a distance of 203.5 feet, more or less, to a point; thence
- 7) Easterly, continuing along said lands of George Eastman House, Inc, a distance of 30.0 feet to an angle point; thence
- 8) Northerly, continuing along said west line, a distance of 30.0 feet to an angle point; thence
- 9) Easterly, continuing along said lands of George Eastman House, Inc, a distance of 45.0 feet to the said west line of Lot R-134; thence
- 10) Northerly, along the west line of said Lot R-134, a distance of 294.64 feet to an angle point; thence
- 11) Easterly, continuing along said Lot R-134, a

distance of 25.0 feet to the southwest corner of lands conveyed to the International Museum of Photography at George Eastman House by a deed filed in Liber 7030, Page 184; thence

- 12) Northerly, along the west line of said lands of the International Museum of Photography, a distance of 105.36 feet to the northwest corner thereof; thence
- 13) Easterly, along the north line of said lands of the International Museum of Photography, a distance of 35.0 feet to the said west line of Lot R-134; thence
- 14) Northerly, along said west line of Lot R-134, a distance of 15.0 feet to an angle point; thence
- 15) Westerly, continuing along said Lot R-134, a distance of 20.0 feet to an angle point; thence
- 16) Northerly, continuing along said west line of Lot R-134, a distance of 85.0 feet to an angle point; thence
- 17) Westerly, continuing along said Lot R-134, a distance of 40.0 feet to an angle point; thence
- 18) Northerly, along said west line of Lot R-134 and its northerly extension, a distance of 312.0 feet, more or less, to the said centerline of University Avenue, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-299
(Int. No. 344)

Adopting Environmental Findings For The George Eastman House 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 George Eastman House Project as approved by the Director of Planning and Zoning as Lead Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-300 and
Ordinance No. 2011-301

Re: Reacquisition of 250 Science Parkway

Transmitted herewith for your approval is legislation related to the reacquisition of 250 Science Parkway. This legislation will:

- 1. Amend Ordinance No. 2011-243 to change the source of funding for the \$224,400 cost of reacquisition from Cash Capital to debt; and
- 2. Authorize the issuance of bonds in the amount of \$225,000 and the appropriation of the proceeds thereof to finance the cost of the reacquisition of 250 Science Parkway.

The reacquisition of the property was authorized via Ordinance No. 2011-243, which identified the source of funding as Cash Capital. However, it has been determined that bonding is a more appropriate source of funds for the reacquisition.

It is anticipated that closing costs will not exceed \$1,000, which will allow for adjustment of any prepaid taxes. The closing costs of \$1,000 will be funded from prior years' Cash Capital, as originally planned.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-300
(Int. No. 359)

Amending Ordinance No. 2011-243, Relating To The Reacquisition Of Land In The Rochester Science Park

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

Section 1. Ordinance No. 2011-243, relating to the reacquisition of 250 Science Parkway in the Rochester Science Park, is hereby amended by changing the source of funds from the Cash Capital allocation from prior years to a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-301
(Int. No. 360)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$225,000 Bonds Of Said City To Finance The Cost Of The Reacquisition Of 250 Science Parkway In The Rochester Science Park 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 reac-

quisition of 250 Science Parkway in the Rochester Science Park in the City, for development purposes. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$225,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$225,000 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 \$225,000 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 \$225,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals

thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 358 from Committee.

The motion was seconded by Councilmember Conklin.

Adopted by the following vote:

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

Nays - None - 0.

Councilmember Haag abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-302
Re: Agreements - University of Rochester
And Lattimore Road Associates, Sale
Of 125 Lattimore Road

Transmitted herewith for your approval is legislation authorizing the release of a restrictive covenant

held by the City for the property at 125 Lattimore Road in exchange for payment of \$600,000 from the University of Rochester, the potential purchaser of the property, currently owned by Lattimore Road Associates, LLC.

The building, formerly School No. 49, was sold by the City in 1983 to Lattimore Road Associates which renovated the building for use as medical offices. The aging building and concerns over parking have resulted in tenant departures, and the owners desire to sell the building. The 1983 deed from the City contains a restriction that requires any future purchaser with tax exempt status to make a payment in-lieu-of taxes in an amount equal to the real property taxes. The University has requested the release of this provision.

If the restriction is released, the University plans to purchase the building and substantially renovate it for use as the new location of the Women’s Health Center (WHC), currently located at Strong Memorial Hospital. The WHC will occupy approximately 20,000 square feet of the 80,000 square foot building with 34 full-time employees. The University will invest \$5-6 million in renovations and believes that the improvements, along with a large anchoring outpatient program, will halt tenant departures.

Assuming a stable tax rate and assessed value of the property, and existing medical office tenants (with no occupancy by the University, which is tax exempt), the City would receive approximately \$1.6 million in taxes over the next 10 years. Under the University’s projections, with the University occupying part of the building, the City will receive \$606,000 in taxes over 10 years, a decrease of \$947,000 which, in today’s dollars, is approximately \$715,000. The proposed \$600,000 lump sum payment, which was negotiated between the City and University as acceptable compensation for removal of the deed restrictions, represents 84% of the value of the “lost” taxes.

The proposal is recommended for the following reasons:

- Establishing the WHC at this location constitutes a substantial benefit to the community. The City has worked with the University to find a suitable location for the Center and 125 Lattimore Road is a good fit.
- Without City support of the proposal, the consequent risk is that the University would find a different location (without restriction or payment to the City), or build a new facility, and the building at 125 Lattimore Road would further decline.
- The WHC represents a \$3.2 million investment and the re-use of an existing historic property with the potential of long-term job creation. The University anticipates another \$2 million of tenant improvements.
- The property has been on the market since 2008. As occupancy declines, the property

value declines. It will likely continue to lose value as the market for private taxable medical offices changes.

Mayor Thomas S. Richards, as a member of the Board of Trustees of the University of Rochester and the Board of Directors of the University of Rochester Medical Center, has recused himself from any decision-making regarding this proposal. This project has been overseen by Carlos Carballada, Commissioner of Neighborhood and Business Development, and the legislation is submitted by Deputy Mayor Leonard E. Redon.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-302
(Int. No. 358)

Authorizing The Release Of A Restrictive Covenant At 125 Lattimore Road

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Lattimore Road Associates LLC and/or the University of Rochester which shall allow for the release of a restrictive covenant contained in the deed from the City of Rochester for the property at 125 Lattimore Road, SBL No. 136.69-1-52.2, in order to allow the University of Rochester to purchase the property. The agreement shall obligate Lattimore Road Associates LLC and/or the University of Rochester to pay to the City \$600,000 for the release of the restrictive covenant.

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 by the following vote:

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

Nays - None - 0.

Councilmember Haag abstained.

By Councilmember Miller
September 14, 2011

To the Council:

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

Int. No. 345 - Authorizing Grant Agreements For The Turning Point Park Improvement Project, Appropriating Funds And Amending The 2011-12

Budget

Int. No. 346 - Amending The 2011-12 Budget And Establishing Maximum Compensation For A Professional Services Agreement For The North Union Street Railroad Bridge Rails-To-Trails Conversion Project, As Amended

Int. No. 347 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,000,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement, Demolition And Remediation Of The Former AC Delco Facility Parcels In The City

Int. No. 348 - Establishing Maximum Compensation For A Professional Services Agreement For A Catholic Protection Program For The Water System

Int. No. 351 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$290,000 Bonds Of Said City To Finance The Additional Cost Of Construction Of The Manhattan Square Park Improvements Project In The City

Int. No. 352 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,402,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2011 Milling And Resurfacing Programs In The City, As Amended

Int. No. 353 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Sebastian Park Project

Int. No. 354 - Establishing Maximum Compensation For An Agreement For The Midtown Redevelopment Project

Int. No. 357 - Authorizing An Application And Agreements For The Inner Loop East Reconstruction Project

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

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2011-303 Re: Agreements - New York State and Monroe County, Turning Point Park Improvement Project

Transmitted herewith for your approval is legislation related to the Turning Point Park Improvement Project. This legislation will:

- 1. Authorize an agreement with the New York State Environmental Facilities Corporation

(EFC) for the receipt and use of a 2010 Green Innovation Grant in the amount of \$552,000;

- 2. Authorize an agreement with the Monroe County Stormwater Coalition for the receipt and use of \$15,000 in funding allocated through the New York State Department of Environmental Conservation Water Quality Improvement Program;
3. Amend the 2011-12 Budget transferring \$120,000 from Contingency to the Department of Environmental Services Cash Capital allocation to provide additional funds required for the project.

The EFC and Monroe County grants enable this significant improvement to the park's facilities. The EFC funding will be used to assist the City with construction of improvements to Turning Point Park, which include: a porous pavement parking lot; associated improvements to sidewalks and trails; a scenic overlook; educational signage; and a restroom building that will incorporate water and energy conservation features. The Monroe County funds will support the construction of a bioinfiltration (rain garden) area.

The total project cost, including design, construction, contingencies and construction administration is \$853,000. The City is required to provide a minimum of 10% of the project cost in matching funds for the EFC grant, which will be funded from Cash Capital allocations of the Department of Environmental Services.

Respectfully submitted, Thomas S. Richards Mayor

Ordinance No. 2011-303 (Int. No. 345)

Authorizing Grant Agreements For The Turning Point Park Improvement Project, Appropriating Funds And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Environmental Facilities Corporation for funding under the 2010 Green Innovation Grant Program for the Turning Point Park Improvement Project.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Monroe County Stormwater Coalition for funding through the New York State Department of Environmental Conservation Water Quality Improvement Program for the Turning Point Park Improvement Project.

Section 3. The sum of \$552,000 is hereby appropriated from anticipated reimbursements from the New York State Environmental Facilities Corporation, and the sum of \$15,000 is hereby appropriated from anticipated reimbursements from the

Monroe County Stormwater Coalition, to fund the Turning Point Park Improvement Project.

Section 4. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$120,000 from the Contingency allocation to the Cash Capital allocation to fund the Turning Point Park Improvement Project.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-304
Re: Budget Amendment - North Union Street
RR Bridge Rails-to-Trails Conversion
Project

Transmitted herewith for your approval is legislation amending the 2011-12 Budget by appropriating \$85,000 from the Public Market Fund Balance and transferring that amount to the Cash Capital allocation of the Department of Recreation and Youth Services to partially fund the North Union Street RR Bridge Rails-to-Trails Conversion Project.

The acquisition of the property for this project was authorized in September 2010 (Ord. No. 2010-320); and an agreement with Stantec for design of the project was authorized in January 2011 (Ord. No. 2011-8).

The project provides additional parking and access for the Public Market, which will contribute to efforts to increase market revenue and expand its current customer base. Bids for the project exceeded estimates by 8%. The additional funds will enable the City to construct the project as designed.

The project includes repairs to the bridge deck and substructure units; railing upgrades; new fencing; site grading, curb and pavement modifications in and around the Public Market; improved pedestrian and vehicle connections to Scio Street and the surrounding parking lot/sidewalk network; asphalt paving; signage; security gates; drainage improvements; landscaping and buffering from CSX Railroad track operations. The project also includes new pedestrian gateways at both the Scio Street and Public Market egress points.

The total cost of the project is \$1,314,703.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-304
(Int. No. 346, As Amended)

Amending The 2011-12 Budget And Establishing Maximum Compensation For A Professional Services Agreement For The North Union Street Railroad Bridge Rails-To-Trails Conversion Project

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$85,000, which amount is hereby appropriated from the fund balance of the Public Market Fund to fund the North Union Street Railroad Bridge Rails-To-Trails Conversion Project.

Section 2. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, P.C. for resident project representation services for the North Union Street Railroad Bridge Rails-To-Trails Conversion Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-305
Re: Environmental Remediation - 354 Whitney
And 415 Orchard Streets

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,000,000, and the appropriation of the proceeds thereof to finance the cost of asbestos abatement, demolition, and subsurface environmental remediation at property located at 354 Whitney Street and 415 Orchard Street.

This site, the former AC Delco facility, consists of two parcels totaling approximately four acres. It was abandoned in the late 1990's and has been tax delinquent since then. The City acquired the properties at 354 Whitney Street and 415 Orchard Street through tax foreclosure in 2006 and 2008, respectively. All structures on these parcels have been demolished with the exception of one remaining seven-story masonry building at 415 Orchard Street. As a result of arson fires and vandalism, it has been determined that this structure cannot be salvaged and requires asbestos abatement and demolition.

The Department of Environmental Services is

currently completing work at the site to identify the nature and extent of contaminants, assess potential risks to public health and/or the environment, and to identify strategies for clean-up and re-use. This work is partially funded by grants from the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Environmental Protection Agency.

The proposed bond authorization will finance the removal of asbestos and completion of demolition of the remaining structure on the 415 Orchard Street parcel currently estimated to cost \$1.2 million. The balance, \$800,000, will be used to finance the remainder of the subsurface environmental cleanup. The final environmental remedy must be approved by the NYSDEC.

Asbestos abatement and demolition is expected to be complete by May 2012. It is anticipated that final subsurface environmental cleanup will take eighteen months to complete.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-305
(Int. No. 347)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,000,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement, Demolition And Remediation Of The Former AC Delco Facility Parcels 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 structure and subsurface environmental remediation at the former AC Delco Facility parcels at 354 Whitney Street and 415 Orchard 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 \$2,000,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,000,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,000,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an

interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,000,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12-a(b) of the Local Finance Law, is ten (10) years.

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

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

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

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

within twenty (20) days after the date of such publication, or

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-306
Re: Agreement - CorrTech Engineering, PC,
Corrosion and Cathodic Protection

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for a five-year agreement with CorrTech Engineering, PC, Hopkinton, Massachusetts, for corrosion engineering and cathodic protection consultation services for City water transmission and distribution systems. The agreement will be funded from prior years Cash Capital (\$35,000) and 2011-12 Cash Capital (\$15,000) allocations of the Department of Environmental Services (Water Fund).

CorrTech was previously authorized by Council in June 2001 (Ord. No. 2001-162) to provide consultant services for the design and inspection of the first phase of a cathodic protection system for the City's water supply conduits. Amendatory agreements were authorized in September 2007 and September 2009 (Ord. Nos. 2007-350 and 2009-316, respectively).

CorrTech has demonstrated their technical expertise on water main corrosion and cathodic protection related issues and will continue to assist City staff in evaluating causes of water main breaks and furnishing recommendations for mitigating corrosion within the water system as needed.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-306
(Int. No. 348)

Establishing Maximum Compensation For A 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 \$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 CorrTech Engineering, P.C. for corrosion engineering and cathodic protection services for the City water system for five years. Of said amount, \$15,000 shall be funded from the 2011-12 Cash Capital allocation (Water Fund) and \$35,000 shall be funded from the Cash Capital allocation from prior years (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-307
Re: Manhattan Square Park Improvements,
Phase III B

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$290,000 and the appropriation of the proceeds thereof to partially finance the Manhattan Square Park Improvements Project.

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

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

Bids for construction were received on August 9, 2011. The costs for the categories of work for the project based upon the bid amounts and the apparent low bidders are as follows:

<u>Work Category</u>	<u>Cost</u>
<u>Contractor</u>	
General construction	\$421,000
Steve General Contractor, Inc.	
Mechanical	199,200
Crosby-Brownlie Inc.	
Electrical	197,791
Hewitt Young Electric, LLC.	
Plumbing	93,700
Lloyd Mechanical Co. LLC	

An additional \$137,009 will be allocated for project contingencies. The total cost of construction will be \$1,048,700. This project will result in the retention or creation of an equivalent of 9.8 full-time jobs.

Funding for the project will include the proposed debt issuance, Bond Ordinance Nos. 2005-57 (\$5,507), 2005-174 (\$8,587), 2007-106 (\$404,001), and prior year Cash Capital allocations of the Department of Environmental Services (\$343,305).

Construction is planned for fall 2011 with completion anticipated in spring 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-307
(Int. No. 351)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$290,000 Bonds Of Said City To Finance The Additional Cost Of Construction Of The Manhattan Square Park Improvements Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of construction of improvements to Manhattan Square Park within the City including, but not limited to, renovation of the former restaurant building and amphitheater and reactivation of the fountain (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,981,305. The plan of financing includes the issuance of \$290,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$150,000 previously appropriated in Bond Ordinance No. 2005-57, \$1,098,000 previously appropriated in Bond Ordinance No. 2005-174, \$1,100,000 previously appropriated in Bond Ordinance No. 2007-106, and \$343,305 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$290,000 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 \$290,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.62 of the Law, is five (5) years.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-308
Re: 2011-12 Street Improvement Program -
Asphalt Milling and Resurfacing

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,402,000 and the appropriation of the proceeds thereof to finance the asphalt milling and resurfacing projects of the 2011-12 Street Improvement Program.

The list of streets targeted for milling and resurfacing in 2011-12 is attached; the project also incorporates related street improvements.

Bids for construction were received on August 30, 2011. The apparent low bid of \$1,428,258 was submitted by Villager Construction Inc., which is 7% less than the engineer's estimate. An additional \$143,742 will be allocated for project contingencies. Inspection services will be provided by DES Bureau of Architecture and Engineering staff.

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>Contingency</u>	<u>Total</u>
Street	\$1,415,908	\$142,092	\$1,558,000
Water	<u>12,350</u>	<u>1,650</u>	<u>14,000</u>
Total	\$1,428,258	\$143,742	\$1,572,000

This project results in the creation or retention of the equivalent of 15.5 full-time public works jobs.

It is anticipated that project construction will begin in fall 2011 and be complete in summer 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-116

Ordinance No. 2011-308
(Int. No. 352, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,402,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2011 Milling And Resurfacing Programs In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2011 Milling and Resurfacing Program as part of the Residential Street Improvement Program in the City, including but not limited to those streets currently identified for inclusion in the Program in a list on file with the Director of Finance (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 \$1,572,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,402,000 bonds of the City to finance said appropriation, together with the application of \$170,000 in current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,402,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,402,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said 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.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-309
Re: Amendatory Agreement - Lu
Engineers, Term RPR Services

Transmitted herewith for your approval is legisla-

tion authorizing an amendatory agreement with Lu Engineers, Pittsford, for additional term resident project representative (RPR) services. The original agreement for \$180,000 was authorized in July 2009 (Ord. No. 2009-242). This amendment will increase maximum compensation by \$37,500 for a total of \$217,500 and extend the term for one year. The additional cost will be financed from the Department of Environmental Services prior years' cash capital allocations.

Lu Engineers will provide RPR services for construction related to the City's Sebastian Park Project. The project involves installation of a new basketball court; asphalt and stone dust paths; new play equipment; fencing and landscaping. This project is made possible as a result of a \$300,000 grant from the Dormitory Authority of the State of New York authorized in October 2010 (Ord. No. 2010-364).

Due to the smaller size and limited duration of the project, Lu Engineers was selected to do RPR services under their existing term agreement. Since the Sebastian Park RPR services were not anticipated at the time of the original agreement, an amendment to authorize project funds and an additional one-year term are required.

Bids for construction were received on August 16, 2011. The apparent low bid of \$374,490 was submitted by Villager Construction Inc. An additional \$43,010 will be allocated for project contingencies, for a total cost of \$455,000.

Construction is expected to begin in October and be completed in Spring of 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-309
(Int. No. 353)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Sebastian Park Project

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

Section 1. The sum of \$37,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engineers for resident project representation services for the Sebastian Park Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-310
Re: Agreement - Seeler Engineering, P.C.,
Midtown Redevelopment Project

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Seeler Engineering, P.C., Pittsford, New York, to assess the potential benefits of a Project Labor Agreement (PLA) and assist in the negotiation of terms and conditions of a PLA for the Midtown Redevelopment Project. The cost of the agreement will be financed from prior years' Cash Capital allocation of the Department of Environmental Services.

The Midtown Redevelopment Project includes new utilities, street improvements, new and renovated parking facilities and general site/landscaping improvements with an estimated construction cost of \$30 million. Multiple construction contracts are required, tailored to specific scopes of work. Project Labor Agreements promote efficient and timely completion of large-scale construction projects and prevent many of the problems inherent in such construction. Because these agreements are negotiated by the project owner, there is a larger degree of control over how the project will be built.

Seeler Engineering, P.C. was selected based on exclusive local expertise in PLA development and implementation. Its staff has been involved in the analysis of potential benefits, development, negotiation, and implementation of agreements on projects ranging in scale from \$15 million to \$900 million.

Consultant services will begin in fall 2011 with submission of the report by the end of the year. Construction on the Midtown Parking Garage and the Truck Tunnel is anticipated to begin in winter 2012 with scheduled completion in fall 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-310
(Int. No. 354)

Establishing Maximum Compensation For An Agreement For The Midtown Redevelopment 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 agreement between the City and Seeler Engineering, P.C. to assess the potential benefits of a Project Labor Agreement (PLA) and assist in the negotiation of terms and conditions of a PLA for the Midtown Redevelopment Project. Said amount shall be funded from prior years' cash capital allocation of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-311
Re: Grant Application - U.S. Department
Of Transportation 2011 TIGER
Discretionary Grant

Transmitted herewith for your approval is legislation related to the Federal fiscal year 2011 United States Department of Transportation TIGER Discretionary Grant Program. This legislation will:

1. Authorize an application to the USDOT for \$15,125,281 in TIGER Discretionary Grant funding for the Inner Loop Reconstruction project;
2. Authorize any necessary agreements with the USDOT to receive the grant; and
3. Establish \$30,000 as maximum compensation for an agreement with Stantec for preparation of the Grant application. The cost of the agreement will be funded from prior years' Department of Environmental Services Cash Capital allocations.

This is the third round of TIGER funding, which was first made available in 2009 through the American Recovery and Reinvestment Act and subsequently funded through annual appropriations acts. The program, designed for large projects (minimum cost of \$10 million) that have a significant impact on the nation, a metropolitan area, or a region, provides up to 80% of the total cost of a project.

The total cost of the Inner Loop project is estimated at \$21,898,041. In order to maximize the success of the City application, a 25% City match of \$5,041,760 is proposed. This amount includes the value of fill to be relocated from the Port of Rochester Marina site (\$1,680,000). The remaining City share will be requested in the 2012-13 and 2013-14 Capital Improvement Plans. Remaining projects costs will be financed from other USDOT grants (\$1,251,000) and \$480,000 in the 2008 City Debt Plan.

Improvements and major changes to the Inner Loop Expressway have been considered for several years. The 2001 Inner Loop Improvement Study, funded by the Genesee Transportation Council, identified the segment between Broadway and Charlotte Street as feasible for removal. In 2008, Stantec was engaged by the City (Ord. No. 2007-101) to provide the related scoping study, which will be completed this fall.

Removing this deteriorating and underutilized portion would reconnect the Center City with adjacent neighborhoods, enhance bicycle and pedestrian conditions, and create roughly nine acres of "shovel-ready" land for redevelopment. A bene-

fit/cost analysis indicates that the investment will generate significant benefits.

Stantec was selected to prepare the grant based on its unique familiarity with the Inner Loop East Reconstruction Project due to their experience managing the Inner Loop Improvement Project scoping phase.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-311
(Int. No. 357)

Authorizing An Application And Agreements For The Inner Loop East Reconstruction 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 necessary agreements with the United States Department of Transportation for funding under the 2011 TIGER Discretionary Grant Program for the Inner Loop East Reconstruction Project.

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

Section 3. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, P.C. for preparation of the 2011 TIGER Discretionary Grant Program application for the Inner Loop East Reconstruction Project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
September 14, 2011

To the Council:

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

Int. No. 349 - Establishing Maximum Compensation For An Amendatory Agreement For The Provision Of Prescription Medication For Injured City Firefighters

Int. No. 350 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

The following entitled legislation is being held in Committee:

Int. No. 355 - Authorizing Agreements For Towing Services

Int. No. 356 - Amending The Municipal Code With Respect To Towing

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-312
Re: Amendatory Agreement - Wegmans
Food and Pharmacy, Prescription
Medication for City Firefighters

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Wegmans Food and Pharmacy to increase maximum compensation by \$51,000 and extend the term for six months, to April 30, 2012. The current contract to provide prescription medication for injured firefighters (Ordinance No. 2007-248) expires as of October 31, 2011. The six-month extension will provide continued contract coverage while a request for proposal process is conducted. The additional cost will be funded from the 2011-12 Budget of the Fire Department.

The provision of prescription medications is required for firefighters who have been injured on the job. The current agreement provides for prices equal to 85% of the average wholesale price (AWP) plus \$2.75 for brand-named drugs, and 80% of the AWP plus \$2.50 for generic drugs. Wegmans has provided this service since 1983.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-312
(Int. No. 349)

Establishing Maximum Compensation For An Amendatory Agreement For The Provision Of Prescription Medication For Injured City Firefighters

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

Section 1. The sum of \$51,000, or so much thereof as may be necessary, is hereby established as the additional compensation to be paid for an amendatory agreement between the City and Wegmans Food and Pharmacy for the provision of prescription medication for injured City Firefighters for six months. Said amount shall be funded from the 2011-12 Budget of the Rochester Fire

Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-313
Re: Agreement - Rochester Ice Hockey Officials

Transmitted herewith for your approval is legislation establishing \$13,000 as maximum compensation for an agreement with Rochester Ice Hockey Officials, Inc. (Nick Tochelli, President), Pittsford, NY, to provide referees for adult men's and women's hockey leagues at Genesee Valley Park Sports Arena from October 5, 2011 to March 28, 2012.

The cost of this agreement will be funded from the 2011-12 Operating Budget of the Department of Recreation and Youth Services. The leagues are fee-based and revenue covers all associated costs.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services. RIHO is one of only two local officiating organizations that are insured; the other operates exclusively in scholastic leagues.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-313
(Int. No. 350)

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 2011-12 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

President Warren moved to discharge Int. No. 355 from Committee.

The motion was seconded by Councilmember Conklin.

Adopted by the following vote:

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

Nays - Councilmembers Haag, McFadden, Spaul - 3.

President Warren moved to amend Int. No. 355.

The motion was seconded by Councilmember Palumbo.

Adopted by the following vote:

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

Nays - Councilmembers Haag, McFadden, Spaul - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-314 and
Ordinance No. 2011-315
Re: Vehicle Towing Services

Transmitted herewith for your approval is legislation related to vehicle towing services and fees. This legislation will:

1. Amend Section 111-72 of the City Code to increase the fee for owners to redeem passenger vehicles from the City Auto Pound from \$110 to \$120, which is the amount that private towing firms can charge.
2. Authorize one-year agreements (October 1, 2011-September 30, 2012) with the following firms to provide towing services to the City:

<u>Company Address</u>	<u>Principal</u>
Alliance Garage 532 North Street	Daniel Tantalo
East Avenue Automotive 1656 East Avenue	Paul Marone
John & Son Towing 4 Niagara Street	Michael Piacente
Excel Service & Towing 95 Seneca Avenue	Scott Chapman
Vesa's Automotive Service 1235 University Avenue	Larry Beardsley
Seton Towing 44 Arthur Street	Gary Seton
Joe Benson's Service (heavy towing only) 1421 Scottsville Road	Joe Benson

Private towing agencies are hired by the City to provide towing of illegally parked, damaged, disabled, recovered stolen, or abandoned vehicles. The towing assignments are rotated among the companies.

The current agreements, authorized in December 2005 (Ord. No. 2005-419), expire on September 30, 2011. In anticipation of renewing contracts for towing services, a request for proposals was issued

in February 2011 and sent directly to nine qualified vendors. Proposals were received from: Excel Service & Towing, Vesa's Automotive Service, and Seton Towing. During the review and evaluation process, it was determined that some aspects of the services as outlined in the RFP, including the administration of the City Auto Pound, require additional consideration.

In order to provide the time to revise the RFP specifications, and continue to provide towing services, it was decided to offer a one-year contract to the three firms currently under contract and the three firms that responded to the RFP. The new contract continues to allow vendors to tow vehicles to their own storage facilities. The fee schedule (attached) incorporates new rates based on current industry standards and reflects improvements in towing equipment.

In 2010-11, a total of 4,650 vehicles were towed to the City Auto Pound, resulting in a total of \$576,446 in storage and redemption fees collected. Approximately 1,800 additional vehicles were towed to private facilities. In total, the City paid the following amounts for towing services in 2010-11:

Alliance Garage	\$134,065.50
East Avenue Automotive	132,587.50
John & Son Towing	140,353.00
Mr. Tow, LLC	155,922.25
Joe Benson's Service (heavy towing only)	<u>\$4,282.80</u>
Total	\$567,211.05

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-117

Ordinance No. 2011-314
(Int. No. 355, As Amended)

Authorizing Agreements For Towing Services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following contractors for the provision of towing services for the City for a term of one year:

Contractor	Principal/Officer	Address
Alliance Garage	Daniel Tantalo	532 North Street
East Avenue Auto, Inc.	Paul Marone	1656 East Avenue
John & Son Collision	Michael Piacente	4 Niagara Street
Excel Service & Towing	Scott Chapman	95 Seneca Avenue
Vesa's Automotive Service	Larry Beardsley	1235 University Avenue
Seton Towing		

Gary Seton 44 Arthur Street
*Joe Benson's Service
Joseph Benson, Jr. 1421 Scottsville Road

*Heavy towing only

Section 2. The agreements shall obligate the City to pay the towing company the sum of \$103 per tow to the City Auto pound for regular tows, with additional amounts as approved by the Chief for exceptional tows only. Said amounts shall be funded from the 2011-12 and 2012-13 Budgets of the Rochester Police Department, contingent upon approval of the latter budget. The Mayor shall submit to the Council a quarterly report from the Police Department indicating the number of calls for which each towing company provided towing services and the number of calls for which each towing company was unable to accept the assignment or failed to respond in a timely manner.

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

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

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

Nays - Councilmembers Haag, McFadden, Spaul - 3.

President Warren moved to discharge Int. No. 356 from committee.

The motion was seconded by Councilmember Scott.

Adopted by the following vote:

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

Nays - Councilmembers Haag, McFadden, Spaul - 3.

Ordinance No. 2011-315
(Int. No. 356)

Amending The Municipal Code With Respect To Towing

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

Section 1. Section 111-72 of the Municipal Code, Illegal parking and towing of vehicles, as amended, is hereby further amended by amending subsection B thereof to change the fee for the redemption of passenger vehicles from \$110 to \$120. Said subsection is hereby further amended by adding the following sentences to the end thereof:

When a vehicle is towed by a towing company through a City contract to the towing company's lot, the fees established in this Section which would be payable to the City upon redemption, including storage fees, shall be payable to the towing company, instead of the City. In such case, the towing company shall be deemed a creditor of such owner or person entitled to possession and shall have a lien against the vehicle for the amount of expense so incurred. The towing company may maintain an action against the owner or owners, the person who operated or parked the vehicle or any of them to recover the amount of the lien in a civil action.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmembers Haag, McFadden, Spaul - 3.

The meeting was adjourned at 8:34 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
OCTOBER 11, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Emergency Communications
 - Craig L. Johnson
 - Library
 - *Betty A. Lawrence
 - *Gloria J. Marlett
 - Fire Department
 - *Michael A. Bellucco
 - *Robbie P. Brongo
 - *Joseph Candelaria
 - *Nicholas C. Capone
 - *Abraham M. Crews
 - *Lester D. Drake
 - *William G. Evert
 - LeErnest Jones
 - *Carlos H. Manns
 - *Ronald J. Mendolera
 - *Albert P. Richard
 - *Michael J. Sulli
- Police Department

- *Daniel J. Berardini
 - *Jose Celorio
 - *Thomas P. D'Angelo
 - *Robert J. Duff
 - *William J. Lawler
 - Michael Lesniak
 - *Donald E. Lucas II
 - *Richard V. Martin
 - Bing C. Reaves Sr.
- *Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of September 14, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 4058-11
 - Updated Inspection & Compliance Procedure Manual 4059-11

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

None presented.

PUBLIC HEARINGS.

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

Amending The Official Map By Abandonment Of Holmdel Place Int. No. 367 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
October 11, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 361 - Establishing Maximum Compensation For A Professional Services Agreement For A Records Management System For The Police Department

Int. No. 362 - Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 363 - Authorizing Agreements For A Downtown West End Parking Study

Int. No. 383 - Appropriation Of Funds - Insurance Reserve Fund

Int. No. 384 - Amending The 2011-12 Budget With Respect To The Police Department

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-316
Re: Agreement - New World Systems Corporation, Police Records Management System, Phase I

Transmitted herewith for your approval is legislation establishing \$1,300,000 as maximum compensation for an agreement with New World Systems Corporation, Troy, Michigan, for the purchase and implementation of Phase I of a records management system (RMS) for the Police Department. The cost of this agreement will be funded from the 2010-11 (\$1,000,000) and 2011-12 (\$176,100) Cash Capital allocations, and the annual operating budgets of the Information Technology Department (\$30,000 in 2011-12; the balance of \$93,900 in 2012-13).

Phase I of the RMS implementation includes modules to cover electronic records management for incident reporting, investigation case management, and mobile field reporting. RPD currently uses paper forms for field reporting and case management, and incident reporting uses a customized application (PACER) that is no longer supported by the vendor. The installation period is expected to last between 15 and 18 months, with a targeted completion date of April 2013. In addition to software and licenses, New World Systems will provide project management services, training, configuration, and setup.

A request for proposals was posted on the City website for 30 days, and proposals were solicited directly from 11 vendors. In addition to New World Systems, responses were received from: ACISS Systems, Inc. (Palm Harbor, FL); Tiburon, Inc. (Pleasanton, CA); Total Computer Systems (Melville, NY); and Tyler Technologies, Inc. (Dallas, TX). Based on the contents of those proposals, New World Systems, Tiburon, and Total Computer Systems were invited to participate in a five-day scripted demonstration. ITD and RPD personnel participated in the demonstration and evaluation process.

New World Systems was selected based on system functionality and technical requirements, compatibility with existing City hardware and software, suitability for existing RPD processes, demonstrated project management capabilities, initial and

operating costs, and a history of implementations in New York State.

Monroe County is in the planning stages of a similar RMS project with Tiburon, Inc. Tiburon's solution failed to meet established RPD functional requirements and a joint decision was made by RPD Command Staff, the Mayor's Office, and the Information Technology Department to decline participation in the County's RMS. Monroe County is currently implementing Tiburon's Computer Aided Dispatch (CAD) system at the Emergency Communications Department. New World Systems has an existing interface for Tiburon's CAD that will provide the ability to import data from CAD into the City's RMS.

Full implementation of the RPD RMS is anticipated to span four phases and will include modules for narcotics investigation and management, pawn dealer inventory reporting, gang tracking, sex offender tracking, personnel scheduling, and property and evidence management. Total anticipated project costs for the remaining modules after Phase I are \$1,692,000, with implementation expected to be complete at the end of the 2015-16 fiscal year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-316
(Int. No. 361)

Establishing Maximum Compensation For A Professional Services Agreement For A Records Management System For The Police Department

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

Section 1. The sum of \$1,300,000, 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 New World Systems Corporation for the purchase and implementation of Phase I of a Records Management System for the Rochester Police Department. The agreement may extend for a term of five years. Of said amount, \$176,100 shall be funded from the 2011-12 Cash Capital allocation, \$1,000,000 shall be funded from the Cash Capital allocation from prior years, \$30,000 shall be funded from the 2011-12 Budget of the Information Technology Department and \$93,900 shall be funded from the 2012-13 Budget of the Information Technology Department, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-317
Re: Agreement - RPO, Music Performances

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, for music performances. The cost of the agreement will be funded from the 2011-12 Budget of the Bureau of Communications.

The RPO will provide two full-orchestra concerts which will be similar to those provided annually since 1987 under comparable agreements. The first concert, The Veterans Day RPO Pops Spectacular, will take place on November 11, 2011 at Kodak Hall at the Eastman Theatre. One-thousand free tickets will be made available to veterans. The remaining 1300 tickets will be available to the general public at \$5 per ticket. Ticket revenue will be used to defray production costs of the theatre.

The second concert will be the annual free July 4 Celebration. The 2012 event will feature the RPO on Main Street, as it has for the past three years.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-317
(Int. No. 362)

Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

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

Section 1. The sum of \$60,000, 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 concerts. Said amount shall be funded from the 2011-12 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-318
Re: Agreement - Desman Associates,
Parking Study, Downtown West End

Transmitted herewith for your approval is legislation related to a study of parking supply and demand in Downtown Rochester. This legislation will:

1. Establish \$35,000 as maximum compensation for an agreement with Desman Associates, New York, NY to conduct a study of parking in Downtown Rochester's West End. The cost of the agreement will be funded from the 2011-12 Budget of the Finance Department.
2. Authorize an agreement with the County of

Monroe for receipt and use of \$10,000 for their share of the cost of the agreement.

The continued growth in the Cascade, High Falls, Four Corners and Historic Canal Districts has resulted in an increased demand for parking. Representatives of the County, City, and private businesses in the area determined that a comprehensive review of the area was needed. This study will be used to assess current parking needs, forecast future parking demand, and evaluate the feasibility and related cost of potential new parking facilities to meet any existing and/or projected parking deficits in the area.

In July 2011, the City and the County jointly issued a request for proposals to conduct the study. The RFP was sent directly to known parking consultants and was posted on both the City's and the International Parking Institute's websites. Proposals were received from the eleven firms (see attached list) and reviewed by members of the Bureau of Parking, Department of Neighborhood and Business Development, and Monroe County's Real Property Office. The companies were rated on experience and references, proposal clarity and thoroughness, approach and methodology, and review of the study area. Desman Associates received the highest rating and is recommended.

It is anticipated that the study will be completed by June 1, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-118

Ordinance No. 2011-318
(Int. No. 363)

Authorizing Agreements For A Downtown West End Parking Study

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Desman Associates for a parking study of Downtown Rochester's West End. Said amount shall be funded from the 2011-12 Budget of the Finance Department.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for a portion of the parking study of Downtown Rochester's West End.

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. 2011-319
Re: Appropriation - Insurance Reserve
Fund

Transmitted herewith for your approval is legislation appropriating \$3.25 million from the Insurance Reserve Fund to finance the payment of general liabilities and condemnation awards.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All major claims are paid from this fund. The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance. Interest income for fiscal year 2010-11 was \$39,317.98.

The current unappropriated balance of the fund is approximately \$13.57 million. In addition, there is an appropriated, unencumbered balance of approximately \$4.57 million. This proposed legislation will add \$3.25 million to the appropriated balance.

The City originally paid an initial amount of \$5.9 million for the Midtown properties. A subsequent court order increased the award to \$9.752 million, resulting in an additional \$3.852 million to be paid by the City. The total settlement of approximately \$4.82 million includes interest and attorney's fees and costs.

The current appropriation will allow for the payment of the settlement and leave an unencumbered appropriated balance of approximately \$3.0 million in this account.

The most recent appropriation of the insurance reserve fund for payment of general liabilities and condemnation awards was in April 2008 for \$4 million. In April 2009, \$3.5 million was appropriated from the fund for payments related to the acquisition of the street lighting system; and in August 2011, \$2.450 million was appropriated to cover the cost of the settlement with 33 police officers assigned to the Special Investigation Section.

Detailed reports on the City's claim experience are submitted to the Council on a quarterly basis. The most recent report was submitted in June, 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-319
(Int. No. 383)

Appropriation Of Funds - Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$3.25 million, or so much thereof as may be necessary, to finance the payment of general liabilities and condemnation claims.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-320
Re: 2011-12 Budget Amendment, RPD
Personnel Costs

Transmitted herewith for your approval is legislation amending the 2011-12 Budget by transferring \$40,000 from the Police Department to Undistributed to cover the cost of unanticipated fringe benefits resulting in the retention of sworn officers and the Appellate Division, Fourth Department decision regarding compensation for officers assigned to the Special Investigation Section (SIS).

At the beginning of 2011-12, there were 752 sworn positions filled in the Rochester Police Department compared to the 726 positions included in the 2011-12 Budget. It was anticipated that the Voluntary Retirement Incentive Program (VRIP) authorized by City Council Ordinance 2011-176 would incentivize at least 26 personnel to retire and thereby avoid layoffs to reach the budgeted 726 positions. Unfortunately, only nine individuals chose to participate in the VRIP. These VRIP retirements, when combined with other personnel separations, would have resulted in the layoff of nine Police Officers. These nine positions will be retained.

It has been determined that the 33 Police Officers assigned to SIS are entitled to be paid as Investigators, which has resulted in additional unbudgeted salary expense to the Police Department.

In order to avert layoffs and accommodate the additional salary expense for retaining the nine Police Officers and the incremental cost of Investigator pay, the Police Department has proposed a series of reductions within its departmental budget, including reduced professional services, training and travel, and other personnel reductions. However, this additional salary expense will generate unbudgeted fringe costs necessitating the transfer from the Police Department to Undistributed.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-320
(Int. No. 384)

Amending The 2011-12 Budget With Respect To The Police Department

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$40,000 from the Rochester Police Department to Undistributed Expense to fund fringe benefits associated with the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
October 2011, 2011

To the Council:

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

Int. No. 364 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2011-269

Int. No. 365 - Authorizing Agreements For Home Repair Programs

Int. No. 375 - Amending Chapter 39 Of The Municipal Code, Building Code

Int. No. 376 - Amending Chapter 40 Of The Municipal Code, Building Construction: Plumbing

Int. No. 377 - Amending Chapter 49 Of The Municipal Code, Electrical Licensing Ordinance

Int. No. 378 - Amending Chapter 90 Of The Municipal Code, Property Code, With Respect To Lead-Based Paint Poisoning Prevention

Int. No. 379 - Amending Chapter 103 Of The Municipal Code, Stationary Engineer And Refrigeration Operators Licensing Ordinance

Int. No. 380 - Amending Chapter 23 Of The Municipal Code, Waterworks With Respect To Fees For Backflow Prevention Devices

Int. No. 168 - Resolution Approving Appointments To The Rochester Preservation Board, As Amended

Int. No. 169 - Resolution Approving Reappointments To The Zoning Board Of Appeals

Int. No. 170 - Resolution Approving Appointments To The Rochester Environmental Commission, As Amended

Int. No. 171 - Resolution Approving Appointments To The City Planning Commission, As Amended

The following entitled legislation is being held in committee:

Int. No. 385 - Authorizing Loan Agreements For The Hardy Park Apartments Project

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-321
Re: Sale of Real Estate and Amending
Ordinance No. 2011-269

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

Sale of Real Estate

The first five parcels are vacant lots sold by proposal to the adjacent owners. The first three parcels will be developed as a small parking area to support area residents and the Dazzle School of Performing Arts. The last two parcels will be combined with the purchaser's adjoining lots and developed in conjunction with a new sixty-unit mini storage facility.

The last section of three properties is for unbuildable vacant lots; they are each being purchased by their adjacent owners. The intention of each owner is to combine the vacant lot with their respective parcel.

The first year projected tax revenue for these eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,588.

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

Amending Ordinance No. 2011-269

Ordinance No. 2011-269 authorized the sale of part of 305-307 Allen Street; it has since been determined that a larger portion of the lot is to be sold. The original dimensions were 85' x 14'; this amendment will increase the size of the portion to 123' x 29'. As an unbuildable vacant lot, the purchase price remains the same. Total tax revenue remains the same.

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AK-119

Ordinance No. 2011-321
(Int. No. 364)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2011-269

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

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>
143-147 Webster Av**	118x120	14,160	\$ 50
106.60-4-19.2	Schubert Centre, LLC*		
1 Curren Pl	62x54	2,866	-
106.60-4-23	Schubert Centre, LLC		
3 Curren Pl	62x77	4,099	-
106.60-4-24	Schubert Centre, LLC		
590 W. Broad St****	128x125	7,347	\$6,500
105.84-2-27	Sally Group, LLC***		
Pt. of 205 Jay St	100x245	22,782	-
Pt. of 105.84-2-52	Sally Group, LLC		

- * Members: Anne Harvey, Chair; Barb Klump, Vice Chair; John Woods, Treasurer; Linda Wood, Secretary
- ** Note: 143-147 Webster Av, 1 Curren Pl and 3 Curren Pl are being sold as one unit, or \$50 for all three lots.
- *** Members: Richard Benedetto; Randy Benedetto; Renee Palozzi, John Palozzi; all members without titles
- **** Note: 590 W. Broad St and part of 205 Jay St are being sold as one unit, or \$6,500 for both lots.

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
26 Bock St	40x85	3,466
107.43-1-52	Frank Richards	
67 Friederich Pk	58x65	3,920
106.24-3-12.1	Larry Sykes	
53 Niagara St	17x58	986
106.51-1-54.5	Ivan Dubilevskiy	

Section 3. The Council hereby approves an amendment of the negotiated sale of the following parcel of unbuildable vacant land, as approved in Section 2 of Ordinance No. 2011-269, to read as follows:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
Pt. of 305-307 Allen St	123x29	1,792
Pt. of 120.28-1-5.1	Robert Bodzon	

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. 2011-322
Re: Agreements and Appropriations -
Home Repair Programs

Transmitted herewith for your approval is legislation related to the continuation of minor home repair programs funded under the Housing Development Fund of the 2011-12 Consolidated Community Development Plan. The programs to be funded are the Emergency Assistance Repair (EARP), Joint Energy Conservation, and Aging in Place Home Modification Programs. This legislation will:

1. Appropriate \$670,000 from the Housing Development Fund, Emergency Assistance Repair Program allocation of the 2011-12 Plan to address emergency minor home repairs, energy conservation and home safety modifications for income-eligible owner occupants; and
2. Establish maximum compensation for agreements as follows for implementation of EARP:

<u>Agency</u> <u>Program</u>	<u>Amount</u> <u>Service Area</u>
ABC	\$ 80,000
Energy Conservation	City-wide
Lifespan	30,000
Aging in Place	City-wide
Group 14621 Comm. Assn.	96,900
EARP	14621/NE, Sector 9
NCS Comm. Dev. Corp.	30,600
EARP	NE, Sector 10
NCS Comm. Dev. Corp.	142,800
EARP	NW Quadrant
NCS Comm. Dev. Corp.	91,800
EARP	SW Quadrant
NCS Comm. Dev. Corp.	147,900
EARP	SE Quadrant
Total	\$620,000

The remaining \$50,000 will be used by the City for administration of city-wide water service replacement projects required by street repairs, and warranty claims for eligible repairs.

The proposed agreements are similar to the previous program authorization. The Joint Energy Conservation Program was last authorized by Ordinance No. 2008-354, and the EARP and the Aging in Place Home Safety Modification Program were last authorized via Ordinance No. 2011-29.

Description and details of the three programs are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-120

Ordinance No. 2011-322
(Int. No. 365)

Authorizing Agreements For Home Repair Programs

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

Section 1. The Mayor is hereby authorized to enter into the following agreements or the following amounts are allocated to implement the Emergency Assistance Repair Program (EARP), Joint Energy Conservation Program and Aging in Place Home Modification Program:

<u>Agency Purpose</u>	<u>Amount</u>
Action for a Better Community Joint Energy Conservation Program	\$ 80,000
Lifespan Aging in Place	\$ 30,000
Group 14621 Comm. Assn./NCS EARP-14621 Service Area in the NE Quadrant (Sector 9)	\$ 96,900
NCS Comm. Dev. Corp. EARP-Remainder of the NE Quadrant (Sector 10)	\$ 30,600
NCS EARP-NW Quadrant	\$142,800
NCS EARP-SW Quadrant	\$ 91,800
NCS EARP-SE Quadrant	\$147,900
City of Rochester Water/sewer line and warranty repairs	\$ 50,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$670,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Emergency Assistance Repair Program Account) of the 2011-12 Community Development Block Grant.

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

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-323,
Ordinance No. 2011-324,
Ordinance No. 2011-325,
Ordinance No. 2011-326,
Ordinance No. 2011-327 and
Ordinance No. 2011-328

Re: Amending the Municipal Code

Transmitted herewith for your approval is legislation amending several sections of the City Code related to the building, property and plumbing codes; licensing ordinances; and water fees. This legislation will:

1. Amend Chapter 39, the Building Code, to add the plumbing permit requirements formerly listed in Chapter 40 and to increase the fees for Certificates of Occupancy.
2. Amend Chapter 40 to change it from the Plumbing Code to the Plumbing Licensing Ordinance by relocating and/or removing unnecessary non-licensing language.
3. Amend Chapter 49, the Electrical Licensing Ordinance, to clarify who is authorized to perform electrical work and to clearly establish the point in the electrical system at which the City has jurisdiction.
4. Amend Chapter 90, the Property Code, to adjust the area and types of structures where lead dust wipe testing is performed.
5. Amend Chapter 103, the Stationary Engineer and Refrigeration Licensing Ordinance, to correct inaccuracies.
6. Amend Chapter 23, Water Fees, to establish a \$20 fee to cover the administrative costs associated with the annual testing of backflow prevention devices as required by the New York State Sanitary Code.

Chapters 39, 40, 49, 90, and 103

Two attachments to this transmittal letter provide additional information on the changes proposed for these chapters. One, *Proposed C of O Fees*, outlines the impact of the increases. The other, *Code Amendment Summary*, highlights the substantive changes proposed.

Chapter 23

Proposed changes to the City plumbing code (above) will remove the requirement of a \$55 permit prior to testing backflow devices and the \$10 fee per device. The code will no longer require that a licensed plumber test backflow devices; this testing can now be performed by any person certified by New York State.

Given the staff time involved in testing and report

generation, a \$20 testing fee is proposed. If a property owner fails to have their backflow prevention device tested, the City may perform the test pursuant to § 23-37F and add the fee to the water bill. Currently, there are 2,269 active and 248 inactive backflow prevention devices in the water distribution system.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-121

Ordinance No. 2011-323
(Int. No. 375)

Amending Chapter 39 Of The Municipal Code, Building Code

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

Section 1. Chapter 39 of the Municipal Code, Building Code, as amended, is hereby further amended as follows:

- 1) The second sentence of Section 39-101, Applicability of State Code, is amended to read as follows:

This chapter shall also govern plumbing work involving engineered storm sewer systems.

- 2) The following new definitions are hereby added to Section 39-201, Definitions, where they should appear in alphabetical order:

APPROVED - Accepted or acceptable under an applicable specification stated or cited in this code or accepted as suitable for the proposed use.

CATCH BASIN or INTERCEPTOR - A watertight receptacle designed and constructed to intercept and prevent the passage of the sediment of surface, subsoil or other waste drainage into any other drain; also termed "sand interceptor," "sand trap" or "mudrock."

NYSUFP & BC - New York State Uniform Fire Prevention and Building Code.

SERVICE CONNECTION - The point in the electrical system where the wiring owned by the utility servicing the premises connects to that which is owned by the property owner.

- 3) Section 39-221, Fees for permits, is hereby amended by adding the following fees to the end of the chart contained in Subsection F:

Purpose	Fee
Plumbing inspections:	
Base fee for all plumbing permits	\$55
In addition to the base fee, plumbing permit fees shall be as follows:	
Fixtures: installation, removal or capping of each fixture	\$10
Building sewers	\$45
Sump pumps:	
Residential	\$15
Single (commercial)	\$35
Duplex (commercial)	\$75
Catch basins or yard drains	\$50 each
Parking area trench drains	\$20 each
Outside conductors (residential)	\$5 each
Conductors or roof drains (commercial)	\$10 each
Sewer ejectors:	
Single	\$20
Double	\$35
Hot-water heaters (over 70 gallons capacity)	\$30 each
Hot-water heaters (seventy gallons capacity or less)	\$10 each
Commercial and industrial establishments, including restaurants:	
Garbage disposals	\$35 each
Dishwashing machines	\$40 each
Grease interceptors	\$40 each
Ice-cube-making machines	\$25 each
Laundry-washing machines	\$35 each
Backflow prevention devices (installation):	
Size from 1/4 inch to 3/4 inch	\$10 each
One to 1-1/2 inches	\$15 each
More than 1-1/2 inches	\$30 each
Water service renewal:	
Renewal of water service, less than two inches, without any street work	\$85 each

Water main services in property line of three-fourths inch to two inches	\$35 each
Water main and sewer repairs or renewal, public or private, over two inches	\$35 for the first 60 feet; each additional 100 feet: \$10
Clean-outs at property line	\$35 each
Manholes in property line	\$35 each
Sand interceptors	\$35 each
Oil interceptors (all types)	\$35 each
Future use openings	\$10 each
All notice and order plumbing violations	\$10 each
Repair or replacement of gas supply, domestic water, storm, sanitary or vent piping	\$10 for the first 100 feet, and \$2 per foot thereafter
Reinspection or callback when work is not ready for inspection	\$50 each

For items not listed in the Fee Schedule, the permit fee shall be established by the Commissioner of Neighborhood and Business Development.

For any inspections requested on Saturdays, Sundays, holidays or other than regular working hours, the rate shall be \$50 per hour. A minimum of four hours may be charged if the inspector was called in and/or has no other inspections during the four hours.

- 4) Subsection C of Section 39-222, Fees for certificates of occupancy, is amended to read in its entirety as follows:

C. Existing structures. The fee for a certificate of occupancy for a structure shall be as follows:

- (1) Residential structures.

Type	Base Fee	Plus Incremental
Single-family	\$60	None
Two-family	\$80	None
3 or more dwelling units	\$100	\$10 for each additional unit over 5

Mixed commercial/residential occupancy	\$100	\$10 for each additional commercial/residential unit over 5
Rooming house	\$100	\$10 for each additional rooming unit over 5

- (2) Nonresidential structures.

Type	Fee	Per Square Foot of Gross Floor Area
All uses	\$100	0 to 25,000
	\$150	25,001 or more

- (3) If title to a property has been transferred without the required certificate of occupancy or if the application to renew a certificate of occupancy is not made within 40 days after the mailing by the City of a notice to the owner of the property, informing the owner of the certificate of occupancy requirement, sent by first class mail, addressed to the owner's address on file with the Bureau of Assessment or the owner's last known address or place of residence, if such address is not so filed, the fee shall be double the fees listed in Subsection C, subject to the limitations listed in Subsection E.

- 5) Subsection E of Section 39-222, Fees for certificates of occupancy, is amended by deleting the fee "\$100" where it is contained therein and by inserting in its place the fee "\$200".
- 6) Subsection A of Section 39-223, Fees for other Department actions, is amended by deleting the fee "\$50" where it is contained therein and by inserting in its place the fee "\$100".
- 7) Subsection E of Section 39-223, Fees for other Department actions, is amended to read in its entirety as follows:

E. The fee for the issuance of a letter of compliance with local code requirements for situations not involving a building permit or a certificate of occupancy shall be in accordance with the fee schedule listed in section 39-222(C).

- 8) Subsection B of Section 39-225 Penalties for offenses, is amended to read in its entirety as follows:

B. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties for high violations

set forth in § 13A-11D(1) of the Municipal Code.

- 9) Subsection C(3) of Section 39-304, Electrical work, is amended to read in its entirety as follows:

(3) Transmission lines from the source of supply to the service connection on the premises where used or any electrical installation that occurs beyond the defined "service connection."

- 10) A new Subsection F is added to Section 39-304, Electrical work, to read in its entirety as follows:

F. Inspections

- (1) Before being concealed or enclosed, all electrical work shall be inspected in accordance with the requirements of the NYSUFP & BC.
- (2) Certificates or a written report of the approval or rejection of any electrical installation after an inspection thereof shall be issued, and a copy may be obtained by request from the licensed electrical inspector.

- 11) A new Section 39-308 is added to read in its entirety as follows:

§39-308. Plumbing work.

A. Requirements. No plumbing work regulated by the provisions of this code or of the NYSUFP & BC shall be performed by anyone without first obtaining a permit for such work from the Commissioner of Neighborhood and Business Development.

B. Property owner's liability. Every property owner having plumbing work performed shall be responsible for having such work done by a City of Rochester registered and licensed master plumber, who shall have obtained all required and necessary permits, and shall have materials installed and labor performed in accordance and compliance with applicable plumbing codes.

C. Permit application.

- (1) Form. Application for a plumbing permit shall be made to the Commissioner of Neighborhood and Business Development in such form as the Commissioner shall prescribe.
- (2) By whom.
- (a) Application shall be made by the licensed and registered mas-

ter plumber, except that an owner/occupant of a single-family dwelling doing his or her own work inside the dwelling may make application for a permit.

(b) In cases where one master plumber completes the rough work, in whole or in part, and a second master plumber is called upon to continue with or complete the plumbing work, each shall obtain a separate permit to cover his or her own work.

(3) Contents of a permit application.

(a) The application shall contain a general description of the proposed work, the materials used and specifications, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure; the names and addresses of the owner and the applicant, contractor, architect and engineer, if applicable; and the responsible employees if the owner is a corporate body.

(b) The application shall also contain such other information as may reasonably be required by the Commissioner to establish compliance of the proposed work with the requirements of applicable plumbing laws, ordinances and regulations.

(4) Plans and specifications.

(a) Each application for a plumbing permit shall be accompanied by sufficient copies of plans, or drawings, and specifications; a site plan describing the nature and character of the work to be performed and the materials to be incorporated, drawn to scale, showing the locations and size of all proposed plumbing work and all existing structures on the site; and such other details required by the Commissioner. The Commissioner may waive the requirements for filing plans, specifications and site plans for minor work.

(b) Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by § 7209 or 7307 of the Education Law of the State of New York, the seal of the licensed

- architect or the licensed professional engineer.
- (c) For ordinary, simple plumbing installations, such as in single or double dwellings, either ink or pencil drawings or sketches, and descriptions of the work, may be sufficient.
- (d) Plans and specifications submitted for review as part of the building permit process shall be sufficient in number and detail for review and issuance of required plumbing permits.
- (5) Changes in the work. Changes in the plumbing work (change orders) affecting public health and/or life safety shall be filed with the Commissioner and reviewed by the Commissioner prior to the commencement of such change of work. When changes in plumbing work are found to be necessary or are made, the Commissioner may require additional plans and specifications and the issuance of additional permits.
- (6) Time limit on applications.
- (a) A plumbing permit application shall be deemed to be abandoned and may be voided three months after its date of filing unless a plumbing permit shall have been issued or an extension granted by the Commissioner for reasonable causes.
- (b) Work shall not commence until a permit is issued.
- (7) Denial of an application.
- (a) Applications for plumbing permits which are subject to the provisions of this code and which are denied by the Commissioner may be appealed to the Examining Board of Plumbers for relief as stipulated in § 40-4B of this code.
- (b) Applications for plumbing permits which are subject to the provisions of the NYSUFP & BC, and which are denied by the Commissioner may be appealed for relief to the New York Department of State Regional Board of Review.
- D. Catch basins, manholes and cleanouts. All catch basins shall comply with the catch basin trap detail.
- E. Applications for street connections. All applications, permits and permit cards for excavations and/or cutting of pavement for connections to public sewers or water mains shall be obtained from the Department of Environmental Services. Permits for all connections to public sewers shall be obtained from the Rochester Pure Waters District.
- F. Inspections. The Commissioner shall inspect or cause to be inspected by a City of Rochester licensed plumbing inspector all plumbing work performed requiring a permit.
- (1) Before being concealed or enclosed, all plumbing and drainage work shall be tested and/or inspected in accordance with the requirements of the NYSUFP & BC.
- (2) Certificates or a written report of the approval or rejection of any plumbing system after and inspection and/or testing thereof shall be issued, and a copy may be obtained by request from the licensed plumbing inspector.
- 12) Section 39-403, Authority, is amended by deleting the words "Manager of Plan Review and Building Inspections" where they appear therein and by inserting in their place the words "Director of Planning and Zoning".
- Section 2. This ordinance shall take effect on December 1, 2011.
- Passed unanimously.
- Ordinance No. 2011-324
(Int. No. 376)
- Amending Chapter 40 Of The Municipal Code, Building Construction: Plumbing**
- BE IT ORDAINED, by the Council of the City of Rochester as follows:
- Section 1. Chapter 40 of the Municipal Code, Building Construction: Plumbing, as amended, is hereby further amended as follows:
- 1) The title of Chapter 40 is hereby changed to "Plumbing Licensing Ordinance".
- 2) Sections 40-1 and 40-3 are amended to read in their entirety as follows:
- §40-1. Purpose and short title.
- The purpose of this chapter is to provide for the protection of public health and safety and to avoid the improper installation of plumbing fixtures, materials and systems by constituting the rules regulating a person or persons engaged in the

work of plumbing in the City of Rochester. This chapter shall be known as the "Plumbing Licensing Ordinance."

§ 40-3. Definitions.

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

BOARD - The Examining Board of Plumbers.

CERTIFICATE OF COMPETENCY - The certificate issued by the Board after an applicant has passed the plumbing examination.

CERTIFICATE OF REGISTRATION - The certificate issued by the Board to a plumber who holds a certificate of competency issued by the Board and who has made application to conduct the business of plumbing in Rochester.

COMMISSIONER - The Commissioner of Neighborhood and Business Development of the City of Rochester or his or her authorized representative.

JOURNEYMAN PLUMBER - A person who, through training and experience, has acquired the requisite skill and knowledge necessary for the proper installation of plumbing.

LICENSE - A license which is issued by the Board to a plumber, after obtaining a certificate of competency and registering with the Board to engage in the trade, business or calling of plumbing.

MASTER PLUMBER - One who is qualified and duly licensed to engage in the trade, business or calling of plumbing and gas fitting and/or the business of contracting for the installation of such work, as stipulated by this code.

PLATE - A sign issued by the Board and containing the words "Licensed Plumber" and the appropriate plate number.

PLUMBING - The practice, materials and fixtures used in the installation, maintenance, extension and alterations of all piping, fixtures, appliances and appurtenances, including but not limited to the following: storm or storm-drainage facilities, the sanitary venting equipment and the public or private, potable hot- or cold-water supply system, the installation of backflow preventers, within or adjacent to any building, dwelling or structure or conveyance; also the practice and materials used in the installation, maintenance,

extension or alteration of the stormwater or sewerage systems of any premises to their connection with any public collection system or other acceptable disposal system. It also includes the primary water supply to and the main wastes and drains from hot-water or steam-heating systems, air-conditioning or refrigerating systems and/or other systems, equipment or apparatus connected with the potable water supply or the building drainage system.

REGISTER - When applying for the first time for a certificate of registration, license and plate from the Board. An applicant must appear in person at the permit office of the Department of Neighborhood and Business Development.

3) The following new Subsection C is added to Section 40-12, Violations; applicability of Chapter 68:

C. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.

4) The following new Section 40-15 is added:

§40-15. Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are declared to be severable.

5) The following Sections and Articles are hereby repealed:

§40-2. Application of Plumbing Code.

§40-5. Duties of the commissioner.

Article IV. Permits, Applications, Drawings and Specifications.

Article V. Inspections, Tests and Violations.

Article VI. Materials: Quality, Identification and Standards.

Article VII. Drainage for Plumbing Systems.

Article VIII. Site Work Drainage.

Article IX. Water Supply and Distribution; Gas Supply and Distribution.

Article X. Miscellaneous.

Section 2. Section 13A-2 of the Municipal Code, Jurisdiction, and Section 68-1, Licenses and permits, as amended, are hereby further amended by changing the name of Chapter 40 as cited therein to "Plumbing Licensing Ordinance".

Section 3. This ordinance shall take effect on December 1, 2011.

Passed unanimously.

Ordinance No. 2011-325
(Int. No. 377)

Amending Chapter 49 Of The Municipal Code, Electrical Licensing Ordinance

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

Section 1. Chapter 49 of the Municipal Code, Electrical Licensing Ordinance, as amended, is hereby further amended as follows:

- 1) The following new definitions are added to Section 49-2, Definitions, where they should appear in alphabetical order, and the definitions of SINGLE PHASE ELECTRICIAN and SINGLE PHASE ELECTRICIAN'S LICENSE are hereby repealed:

COMPANY OFFICER - An individual, employed by the company, designated as the licensed electrician of record.

EMPLOYEE - An individual who is on the company payroll and who receives a W2 form as such.

RESIDENTIAL ELECTRICIAN - Any person who possesses or is qualified to possess a single phase electrician's license in accordance with the provisions of this chapter.

RESIDENTIAL ELECTRICIAN'S LICENSE - A license which is issued to an electrician who has proven his or her qualifications and ability and has been authorized by the Board to possess this type of license. This license, while in an active status, entitles the holder to engage in the business of installing, altering and repairing electrical wiring, services and equipment in all types of properties with the following limitations:

- A. Incoming services and installed equipment shall be limited to a single phase.
- B. The specific occupancies described in Chapter V of the National Electrical Code are excluded.

SERVICE CONNECTION - The point in the electrical system where the wiring owned by the utility servicing the premises connects to that which is owned by the

property owner.

SUPERINTENDENT - An individual, employed by the company, designated as the licensed electrician of record.

- 2) The first sentence of Subsection A of Section 49-3, License required, is amended to read as follows:

No person shall engage in or conduct the business of installing, altering or repairing any electrical work in the City of Rochester unless licensed therefore pursuant to this chapter, or unless an employee who is working under the direct supervision of an electrician who is licensed pursuant to this chapter or unless working under the general supervision of a superintendent or company officer who is licensed pursuant to this chapter and who carries the full responsibility of the electrical work performed under his or her jurisdiction as his or her primary duty.

- 3) Subsection B(4) of Section 49-3, License required, is amended to read as follows:

(4) Transmission lines controlled by the utility from the source of supply to the service connection on the premises where used or any electrical installation that occurs beyond the defined "service connection."

- 4) The final sentence of Subsection C(1) of Section 49-3, License required, is amended to read as follows:

Either the outside contractor hired to perform electrical work must be duly licensed or the persons on the payroll of the employer that either perform or supervise the work or carry the responsibility for same must be licensed.

- 5) The second to last sentence of Subsection A of Section 49-5, Qualifications for licensed electricians, is amended by deleting the words "single phase" before the words "electrician's license" therein and by inserting in their place the word "residential".

- 6) The first sentence of Subsection A of Section 49-6, Issuance of license, is amended to read as follows:

As soon as possible, but not exceeding 30 days upon successful completion of the appropriate electrical license examination and after the completion of an investigation or examination of an applicant by the Board, the Secretary of the Board shall report to the Commissioner, in writing, the Board's findings and recommendations in each case.

- 7) Subsection D of Section 49-6, Issuance of

license, is amended by deleting the words "single phase" before the words "electrician's license" therein and by inserting in their place the word "residential".

- 8) Subsections B, C and E of Section 49-8, Fees for licenses, are amended by deleting the words "single phase" in each place they appear therein and by inserting in their place the word "residential".
- 9) Subsection A of Section 49-12, Penalties, is amended to read as follows:
 - A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties for high violations set forth in § 13A-11D(1) of the Municipal Code.

Section 2. This ordinance shall take effect on December 1, 2011.

Passed unanimously.

Ordinance No. 2011-326
(Int. No. 378)

Amending Chapter 90 Of The Municipal Code, Property Code, With Respect To Lead-Based Paint Poisoning Prevention

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

Section 1. Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further amended as follows:

- 1) Subsection D of Section 90-54, Violations, is hereby amended by deleting the reference to "NSC" where it appears before the words "Lead Inspection Unit" therein.
- 2) Section 90-55 is amended to read in its entirety as follows:

§90-55. Inspections for violations.

All inspections, including, but not limited to, inspections performed as part of an application for a certificate of occupancy pursuant to § 90-16 of the City Code, a renewal of a certificate of occupancy, or based upon the filing of a complaint, shall include a visual assessment for deteriorated paint and bare soil violations. With respect to units in structures containing five or fewer units and located in the high-risk area identified by the Mayor or the Mayor's designee, when the visual assessment identifies no deteriorated paint violation, the owner shall cause dust samples to be taken and certified test results to be obtained in accordance with the protocols established in 40 CFR 745.227(e)(8)(v)(B) to determine whether a dust-lead

hazard exists. The owner shall be given 60 days to cause the dust samples to be taken and to submit all certified test results to the Lead Inspection Unit. If all certified results are not submitted within the specified time, a dust sample violation shall be cited. When a dust-lead hazard is identified and not cleared, a dust-lead hazard violation shall be cited. A certification of clearance as described in §90-57 shall be required in order to clear a dust-lead hazard violation. The high-risk area to be identified by the Mayor or the Mayor's designee shall be based on the County Health Department inspections data in conjunction with its elevated blood-lead level inspections for a period of the preceding five years. Where the filing of a complaint leads to an inspection, the inspection shall include the unit which is the focus of the complaint and all common areas.

- 3) There is hereby added to Section 90-62, Exemptions, the following new Subsection C:

C. A building complex with ten or more units, any housing development or complex designated for seniors, and all studio apartments shall be exempt from the requirements for dust sampling established in §90-55. A "building complex" for the purposes of this section includes any proximately-related grouping or combination of units or buildings that is structured under a single ownership or management contract, regardless of whether such buildings are contiguous. This exemption does not exempt a property from a dust sampling required by any other local, state, or federal law or regulation.

Section 2. This ordinance shall take effect on December 1, 2011.

Passed unanimously.

Ordinance No. 2011-327
(Int. No. 379)

Amending Chapter 103 Of The Municipal Code, Stationary Engineer And Refrigeration Operators Licensing Ordinance

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

Section 1. Chapter 103 of the Municipal Code, Stationary Engineer And Refrigeration Operators Licensing Ordinance, as amended, is hereby further amended as follows:

- 1) The first sentence of subsection D of Section 103-3, License required; responsibilities of licensees, is amended to read in its entirety as follows:

If a licensed stationary engineer of the proper class has charge of equipment as defined herein, a licensed stationary engineer of a lower classification may operate such equipment under his or her responsibility.

- 2) Subsection B of Section103-4, Classes of stationary engineers' licenses, is amended by amending the final sentence thereof to read as follows:

No person shall be permitted to take an examination for this license unless he or she has held a third class stationary engineer's license and has had at least two years' practical experience acceptable to the Board.

- 3) Subsection C of Section103-4, Classes of stationary engineers' licenses, is amended by amending the final sentence thereof to read as follows:

No person shall be permitted to take an examination for this license unless he or she has held a second class stationary engineer's license and has had at least three years' practical experience acceptable to the Board.

- 4) Subsection D of Section103-4, Classes of stationary engineers' licenses, is amended by amending the final sentence thereof to read as follows:

No person shall be permitted to take an examination for this license unless he or she has held a first class stationary engineer's license and has had at least five years' practical experience acceptable to the Board.

- 5) Section 103-5 is amended to read in its entirety as follows:

§103-5. Custodian license.

This shall be the following custodian license:

- A. Holders of a custodian license shall be entitled to take charge of and operate a boiler or boilers for heating purposes only in an apartment-type building not used for the accommodation of transient residents. The boiler or boilers cannot exceed 50 horsepower and must operate at less than 15 psig.
- B. Holders of a custodian license, acting under the direct or indirect supervision of a licensed stationary engineer in charge, shall be entitled to take charge of and operate a boiler or boilers at an establishment which is not in productive operation. If the establishment is in productive operation,

then the custodian must be under the direct supervision of the licensed engineer responsible for the boiler or boilers on the premises.

- 6) Section103-7, Application for licenses; fees, is amended by deleting the words "or watch" where they appear before the word "license" in Subsection A, and by amending Subsection B(1)(b) to read as follows:

(b) Application fee for custodians license: \$60.

- 7) Section 103-11 is amended to read in its entirety as follows:

§103-11. License fees.

- A. Applicants who have successfully completed an examination and are not currently licensed by the City of Rochester as a stationary engineer or refrigeration operator shall pay the following prorated fee for a license:

Exam Date	Even Year	Odd Year
January to June	\$ 240	\$ 120
July to December	\$ 120	\$ 60

- B. When renewing a license for stationary engineer or refrigeration operator, the fees shall be as follows:

- (1) One license (all classes): \$ 240.
- (2) Two or more licenses (all classes): \$ 250.

- C. Upgrades for an existing license from one class to the next require only the \$60 exam application fee and no prorated fee.

- D. All fees for licenses or renewal of licenses are payable to the City Treasurer. All fees are payable at the Permit Office of the Department of Neighborhood and Business Development.

- E. An applicant who applies for more than one type of license must pay an application fee for each type of license.

- 8) Subsection A of Section103-17, Penalties, is amended to read in its entirety as follows:

- A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties for high violations set forth in § 13A-11D(1) of the Municipal Code.

Section 2. This ordinance shall take effect on

December 1, 2011.

Passed unanimously.

Ordinance No. 2011-328
(Int. No. 380)

Amending Chapter 23 Of The Municipal Code, Waterworks With Respect To Fees For Backflow Prevention Devices

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

Section 1. Section 23-37 of the Municipal Code, Fees, as amended, is hereby further amended by amending Subsection F(8) to read in its entirety as follows:

- (8) (a) Backflow prevention device: \$20.
- (b) Test backflow prevention device: \$150.

Section 2. This ordinance shall take effect on December 1, 2011.

Passed unanimously.

Introductory No. 168 was introduced May 24, 2011 and appears in its original form with its transmittal letter on page 161 of the current Council Proceedings.

Resolution No. 2011-15
(Int. No. 168, As Amended)

Resolution Approving Appointments To The Rochester Preservation Board

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

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

Name	Expiration of Term
Michael Warfield	September 30, 2013
Deborah Beardslee	August 31, 2012
Mimi Tilton	September 30, 2013
Paul McAndrew	November 30, 2012

[Section 2. The Council hereby approves the appointment of Daniel Habza, 17 Arnold Park, to the Rochester Preservation Board for a term which shall expire on May 31, 2013. Mr. Habza shall replace Jon Schick, whose term has expired.]

Section [3] 2. The Council hereby approves the appointment of Bonita Helen Mayer, 48 Atkinson Street, to the Rochester Preservation Board for a term which shall expire on February 29, 2012. Ms. Mayer shall replace Gar Lowenguth, whose term has expired.

Section [4] 3. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added.

Adopted unanimously.

Introductory No. 169 was introduced May 24, 2011 and appears in its original form with its transmittal letter on page 162 of the current Council Proceedings.

Resolution No. 2011-16
(Int. No. 169)

Resolution Approving Reappointments To The Zoning Board Of Appeals

Adopted unanimously.

Introductory No. 170 was introduced May 24, 2011 and appears in its original form with its transmittal letter on page 163 of the current Council Proceedings.

Resolution No. 2011-17
(Int. No. 170, As Amended)

Resolution Approving Appointments To The Rochester Environmental Commission

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

Section 1. The Council hereby approves the reappointment of the following persons to the Rochester Environmental Commission for terms which shall expire as follows:

Name	Expiration of Term
Eugene Gartland	March 31, 2014
Rosemary Jonientz	April 30, 2012
Richard Pospula	July 31, 2014
Patsy Robertson	March 31, 2014
[Thomas Tuori	April 30, 2013]
Tanya Zwahlen	July 31, 2014

Section 2. The Council hereby approves the appointment of Ian F. Kuchman, 155 McKinley Street, Rochester, to the Rochester Environmental Commission for a term that will expire on July 31, 2013. Mr. Kuchman shall replace Molly Doyle, whose term has expired.

Section 3. This resolution shall take effect immediately.

Bracketed material deleted.

Adopted unanimously.

Introductory No. 171 was introduced May 24, 2011 and appears in its original form with its transmittal letter on page 163 of the current Council Proceedings.

Resolution No. 2011-18
(Int. No. 171, As Amended)

Resolution Approving Appointments To The

City Planning Commission

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

Section 1. The Council hereby approves the reappointment of the following persons to the City Planning Commission for terms which shall expire as follows:

Name	Expiration of Term
David Watson	April 30, 2013
Steven V. Rebholz	April 30, 2012
Donna P. Suchy	February 28, 2013
[Julio Vazquez	February 28, 2013]
Heidi Zimmer-Meyer	January 31, 2012
Eugenio Marlin	January 31, 2012

Section 2. The Council hereby approves the appointment of Helen B. Hogan, 78 Oakland Street, to the City Planning Commission for a term which shall expire on May 31, 2012. Ms. Hogan shall replace William G. Clark, who has resigned.

Section 3. This resolution shall take effect immediately.

Bracketed material deleted.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 385
Re: Loan Agreement - Hardy Properties, Inc., Hardy Park Apartments

Transmitted herewith for your approval is legislation authorizing loan agreements totaling \$816,000 with Hardy Properties, Inc. (principals: Sherman Hardy and Sylvia Hardy) for the renovation of the apartment building at 191-209 Jefferson Avenue, in the Jefferson Avenue Focused Investment Strategy (FIS) area. This legislation will also authorize the Mayor to adjust the interest rate and other terms and conditions of the loans as necessary.

The loans will be funded from City Development Funds and prior years' Cash Capital Funds (2010-11 Cash Capital Focused Investment Strategy allocation), and will be used to renovate 10 apartments into a mix of affordable and market rate rental units. Using Cash Capital requires that five of the 10 units be affordable to households earning no more than 120% of the area median income, for the term of the loan.

Hardy Properties, Inc. has successfully renovated three properties at 601-603 and 613-625 W. Main Street, and 182-184 Jefferson Avenue. The apartment project will complete a substantial redevelopment project undertaken by Hardy Properties, and in conjunction with other community investments, provides an opportunity to significantly transform this gateway area.

Renovation activities at 191-209 Jefferson Avenue

have stalled due to a lack of sufficient funding resulting from market conditions and the recent recession. The building currently carries a high interest rate mortgage of \$181,000 with balloon payments due in July 2013; a tax lien of \$33,580 held by ATF; and outstanding City property taxes of \$36,441. The building is uninhabitable and is in stark contrast to the recently upgraded buildings nearby.

City loans will allow the refinancing of existing debt, payment of the outstanding taxes, and the expansion of the project scope to meet certificate of occupancy and FIS design standards. The pending refinance of the owners' adjoining property will allow for the ATF tax lien to be paid.

Financing will be interest-free for up to eighteen months during the construction term. The City's Cash Capital funds will be used for construction and permanent financing in two loans for property renovation. A \$250,000 loan will be at 3% interest for a term of thirty years, with interest-only payments for years 1-10, amortized payment for years 11-15, and a balloon payment of \$222,266 due at the end of year 15. The second loan, for up to \$350,000 as needed to complete property renovations, will have deferred payment for fifteen years, with 6.67% forgiven annually. The balance of the loan will be payable if the property is sold during the term of the loan.

The City Development Fund loan of \$216,000 will provide permanent financing at an interest rate of 3% for fifteen years, fully amortized, and will be used to pay off existing debt and property taxes at closing. This loan will be interest-free until issuance of Certificates of Occupancy for all units.

The developer has invested approximately \$140,000 to date toward the project. The budget to complete the Hardy Park Apartments project is summarized below:

<u>Sources of Funds</u>	
City Development Fund loan	\$216,000
City Cash Capital loan (30 yr/3%)	250,000
City Cash Capital loan (def. pay't)	<u>350,000</u>
Total	\$816,000

<u>Uses of Funds</u>	
Refinance of existing loans	\$181,000
Soft costs - construction	50,000
Hard costs - construction	550,000
City property taxes	<u>35,000</u>
Total	\$816,000

It is anticipated that the project will begin in November 2011 with completion by May 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 385

AUTHORIZING LOAN AGREEMENTS FOR THE HARDY PARK APARTMENTS PROJECT

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

Section 1. The Mayor is hereby authorized to enter into loan agreements with Hardy Properties, Inc. whereby the City shall provide loans to partially finance the costs of the construction and reconstruction of housing units as a part of the Hardy Park Apartments Project at 191-209 Jefferson Avenue. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loans in order to conform to legal requirements for tax credits and for the Project.

Section 2. The loan agreements shall obligate the City to pay an amount not to exceed \$816,000, and of said amount, or so much thereof as may be necessary, \$600,000 shall be funded from the Cash Capital allocation from prior years and \$216,000 shall be funded from the City Development Fund. Financing shall be interest free for up to 18 months during the construction term. The Cash Capital funds shall be used for construction and permanent financing in two loans for property renovation. A \$250,000 loan shall be at 3% interest for a term of 30 years, with interest-only payments for years 1-10, amortized payments for years 11-15, and a balloon payment of \$222,266 due at the end of year 15. The second loan, not to exceed \$350,000 as needed to complete property renovations, shall have deferred payment for 15 years, with 6.67% forgiven annually. The balance of the loan shall be payable if the property is sold during the term of the loan. The City Development Fund loan shall provide permanent financing at an interest rate of 3% for 15 years, fully amortized, and shall be used to pay off existing debt and property taxes at closing. This loan shall be interest free until issuance of Certificates of Occupancy for all units.

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

Section 4. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Miller
October 11, 2011

To the Council:

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

Int. No. 366 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rush Reservoir Liner And Floating Cover Improvement Project

Int. No. 370 - Establishing Maximum Compensation For A Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

Int. No. 371 - Bond Ordinance Of The City Of

Rochester, New York, Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Additional Cost Of Design And Reconstruction Of The City's South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

Int. No. 372 - Amending The 2011-12 Budget Relating To Cemetery Funds

Int. No. 373 - Local Law Amending The City Charter With Respect To Cemeteries

Int. No. 374 - Amending Chapter 43 Of The Municipal Code, Cemeteries, As Amended

The following entitled legislation is being held in Committee:

Int. No. 367 - Amending The Official Map By Abandonment Of Holmdel Place

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-329
Re: Amendatory Agreement - Malcolm Pirnie, Inc., Rush Reservoir Liner And Floating Cover Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Malcolm Pirnie, Inc., Rochester, for additional engineering services for the Rush Reservoir Liner and Floating Cover Project. This amendment will increase compensation by \$300,000 for a total of \$1,270,000. The additional cost will be funded from the 2010-11 Department of Environmental Services Cash Capital allocation (Water Fund).

The original agreement, authorized in March 2010 (Ord. No. 2010-78), established \$970,000 as compensation for design, construction administration, and resident project representation (RPR) services for a single construction season. Additional services are required for the design and construction phases, to incorporate additional work components into the project as requested by the City, and to provide RPR services for an extended schedule to complete the project.

The original estimate for construction costs for the project was \$12,960,000. The low bid received was \$9,382,900, 27% below the engineer's estimate. The favorable bid prices were due in part to an attractive bid environment. Another contributing factor was the design and planning work performed by Malcolm Pirnie that made the construction economical and attractive for all bidders. The project is scheduled for completion during fall 2012; once completed, the City will be in compli-

ance with the Rush Reservoir portion of the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-329
(Int. No. 366)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rush Reservoir Liner And Floating Cover Improvement Project

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Malcolm Pirnie, Inc. for engineering services for the Rush Reservoir Liner and Floating Cover Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the Cash Capital allocation (Water Fund) from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-330 and
Ordinance No. 2011-331
Re: Agreement - Bergmann Associates,
P.C. Phase 2 South Clinton Avenue
Conduit Modernization

Transmitted herewith for your approval is legislation establishing maximum compensation of \$700,000 for an agreement with Bergmann Associates, P.C., for engineering design services for Phase 2 of the South Clinton Avenue Conduit Modernization Project, and authorizing the issuance of bonds totaling \$310,000 and the appropriation of the proceeds thereof to partially finance the cost of the agreement.

The water supply conduit system, with pipes ranging in age from 93 to 137 years, extends from the filtration plant at Hemlock Lake to the Cobbs Hill and Highland Park reservoirs. A 2007 engineering evaluation and planning report outlined a multi-phase plan for modernizing sections of the system north of Rush Reservoir. The report identified the 93 year-old Conduit 3 along South Clinton Avenue as a high priority for modernization; the 117-year-old parallel section of Conduit 2 was also identified for modernization.

The first phase was completed in 2010 and replaced both conduits with a single larger diameter conduit

on South Clinton Avenue north of Interstate 590. This second phase continues the work southward between I-590 and Brighton-Henrietta Town Line Road in the towns of Brighton and Henrietta. Both conduits cross underneath I-590 and the Erie Canal within the project area.

Bergmann Associates, P.C., will provide engineering and surveying services to develop construction drawings and specifications for modernizing both conduits. Qualifications were requested from twenty local and regional firms; eight responses were received. Full proposals were solicited from six firms: O'Brien & Gere; Arcadis; Bergmann Associates, P.C.; Hazen and Sawyer; Stantec Consulting Services, Inc.; and Clark Patterson Lee. Proposals were received from Bergmann Associates and O'Brien & Gere. Bergmann Associates is recommended given their design team's qualifications and experience with large-diameter water main replacement and rehabilitation as well as their understanding of the City's conduit system. The agreement will be financed from Bond Ordinance 2010-56 (\$390,000) and from the proposed Bond issuance (\$310,000) as identified in the 2006-07 Capital Improvement Program.

This phase of the project will result in the creation or retention of the equivalent of 7.6 full-time professional service jobs. Total project costs for Phase 2 are estimated at approximately \$7 million. Preliminary design will begin this fall, with final design completed by November 2012. It is anticipated that construction will begin in spring 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-330
(Int. No. 370)

Establishing Maximum Compensation For A Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

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

Section 1. The sum of \$700,000, 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 Phase 2 of the South Clinton Avenue Conduit Modernization Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$390,000 shall be funded from Bond Ordinance No. 2010-56 and \$310,000 shall be funded from an additional bond ordinance adopted for the South Clinton Avenue Conduit Modernization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-331
(Int. No. 371)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Additional Cost Of Design And 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 additional cost of design and 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 \$5,585,000. The plan of financing includes the issuance of \$310,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$4,785,000 bonds appropriated in Ordinance No. 2009-318 and \$490,000 bonds appropriated in Ordinance No. 2010-56, 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 \$310,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$310,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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. 2011-332,
Local Law No. 11 and
Ordinance No. 2011-333
Re: Amending the City Charter and

Code - Cemetery Regulations

Transmitted herewith for your approval is legislation amending the City Charter and Code with respect to the City Cemeteries, and amending the 2011-12 Budget by appropriating \$1,800,000 from the Cemetery Perpetual Care Fund for cemetery capital improvements and transferring that amount to the Cash Capital Budget of the Department of Environmental Services.

The Department of Environmental Services has completed a comprehensive review of laws, rules, and regulations pertaining to the Mount Hope and Riverside Cemeteries. Currently, the Code references the cemetery regulations in more than one section, several references are out-dated, and others are simply difficult to interpret.

The amendments to the Municipal Code proposed herein will update and clarify references to cemetery operations, and organize all related rules and regulations into one section. Many of these changes are technical and will provide consistency and clarity. A list of material changes is attached.

The amendments to the City Charter proposed herein will:

- Abolish the requirement that a reserve fund be maintained within the Cemetery Enterprise Fund. The reserve fund was never established, and there is no need for it.
- Allow the Cemetery Perpetual Care Fund to be used to finance cemetery capital improvements, upon approval by City Council.

The funds appropriated herein will be used for the following cemetery projects, which have been requested but not funded in previous Capital Improvement Programs.

<u>Project</u>	<u>Estimated Cost</u>
Mt Hope:	
Fence Repair and Replacement	\$ 410,000
Sewer Stabilization	100,000
Riverside:	
Combined Storm/Sewer Replacement (Phase I)	450,000
Site Development for New Interment Space	420,000
Garden Mausoleum Roof Replacement	280,000
Gatehouse Roof Replacement	140,000
Total	\$1,800,000

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-122

Ordinance No. 2011-332
(Int. No. 372)

Amending The 2011-12 Budget Relating To

Cemetery Funds

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$1,800,000, which amount is hereby appropriated from the Cemetery Perpetual Care Fund to fund cemetery improvements.

Section 2. This ordinance shall take effect immediately upon adoption of a Local Law amending Section 7-36 of the City Charter to allow for said appropriation, which Local Law was approved by City Council at this meeting.

Passed unanimously.

Local Law No. 11
(Int. No. 373)

Local Law Amending The City Charter With Respect To Cemeteries

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 6-45, Management of Mount Hope Funds, Police and Fire Pension Funds and sinking funds, to read in its entirety as follows:

Section 6-45. Management of Police and Fire Pension Funds and sinking funds.

The Director of Finance has the investment and management of the Police and Fire Pension Funds and of all sinking funds, and may, with the approval of the Council, invest the funds thereof in bonds and notes of the City and other securities.

Section 2. Section 6-64 of the City Charter, Cemetery Enterprise Fund, as amended, is hereby further amended by repealing the undesignated second paragraph thereof.

Section 3. Section 7-39 of the City Charter, Final billing for perpetual care, is hereby repealed. The remaining sections of Part D, Cemeteries, of Article VII of the City Charter, Department Of Environmental Services, as amended, are hereby further amended to read in their entirety as follows:

Part D. Cemeteries.

Section 7-30. Definitions.

For the purpose of Part D of this article, the terms used herein are defined as follows:

CEMETERY - All lands now or hereafter within the limits of Mount Hope or River-

side Cemetery, respectively.

CEMETERY OFFICE - The personnel at the administrative offices located at Mount Hope and Riverside Cemeteries.

CEMETERY PROPERTY - Interment space intended for the final disposition of human remains, including, but not limited to, space in the ground, mausoleum or columbarium.

COMMISSIONER - The Commissioner of Environmental Services.

DEED - A document conveying a right of interment in specific cemetery property.

INTERMENT - The disposition of human remains by inurnment, entombment or burial.

OWNER - A person having ownership interest in cemetery property.

Section 7-31. Cemeteries.

Unless otherwise prescribed by local law or ordinance, all other matters relating to the control, care, management and maintenance of the Cemetery shall be determined by the Commissioner. Suitable maps shall be made of all grounds, roads, municipal structures, and interment space in the Cemetery. The rights to enlarge, reduce, replat, or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof, is hereby expressly reserved. The right to lay, maintain and operate or alter or change pipelines, ponds, or similar structures is also expressly reserved; as well as the right to use cemetery property, not sold to owners, for cemetery purposes, including the interment or preparation for interment of human remains, or for anything necessary, incidental or convenient thereto.

Section 7-32. Title and owner's rights.

- A. Title of all cemetery property shall remain in the City of Rochester. Purchasers of cemetery property or parts thereof shall acquire simply the right and privilege of interment of dead and erecting private mausoleums, columbaria, or monuments or markers, subject to the conditions, rules and regulations now in force, or which may hereafter from time to time be enacted.
- B. Cemetery property shall be conveyed by deed from the City. Such deeds or certificate of ownership do not confer a right to sell, transfer or assign the same or to sell, assign or transfer any portion of the cemetery property covered by said certificate or to sell, assign or transfer any rights that one might have in or to such property.
- C. All cemetery property or parts thereof shall

be indivisible except with the consent of the owner and the Commissioner.

- D. A deceased person shall have the right of interment in any cemetery property of which he or she was the owner or co-owner at the time of his or her death. The remains of a spouse, parent, or child of a person who is an owner or co-owner of cemetery property may be interred therein without the consent of any person claiming any interest therein, subject, however, to the following rules and exceptions:

- (1) The place of interment in such property shall be subject to the reasonable determination by a majority of the co-owners or, in the absence of such determination, by the Cemetery.

- (2) A parent or child owning cemetery property, in which the other would have no right of interment but for this section, at least 30 days before the death of the other, may file with the cemetery a written objection to the interment of the other, and thereupon there shall be no right of interment under this section. In such a case, if the parent or child so excluded from burial in such property dies without having any place of interment, then the person filing such objection shall at once provide for the other a suitable place of interment in the cemetery. The cost of such place of interment shall be chargeable to the decedent's estate, if any, or the person filing the objection.

- (3) This subsection shall not permit the interment contrary to or in violation of any precept, rule, regulation or usage of any church or religious society, association or corporation restricting interment therein. This subsection shall not limit any existing right of interment under other provisions of law, nor shall it limit or curtail the right of alienation, as set forth in this Charter, by the owner of cemetery property before the death of the person for whose remains the right of interment is provided herein, and there shall be no right of interment in any property sold by its owner, before the death of the person for whose remains the right of interment is provided herein.

- E. At any time all the owners of cemetery property and any surviving spouse having a right of interment therein pursuant to Section 43-4 of the City Code, may execute, acknowledge and file with the cemetery an instrument, and the sole owner of cemetery property may, in a testamentary instrument admitted to probate, make a provision, which may designate the person or persons or class of persons who may thereafter be interred in said property and the places of their interment; direct that upon the interment of

certain named persons the property shall be closed to further interments; or direct that the title of the property shall upon the death of any one or more of the owners descend in perpetuity to his, her or their distributees, unaffected by any devise. In any case in which an irrevocable designation of a person, persons or class of persons who may be interred in any property has been made pursuant to this subsection and in which the designated person or persons, or all of the known class of designated persons, have died and have not been buried in the places designated in said property or have by written instrument duly signed by the sole owner or all of the owners and acknowledged and filed with the cemetery renounced the right of interment pursuant to such designation, then, and in any such event, the owner or owners of the said property and any surviving spouse having the right of interment therein may designate another person, persons or class of persons who may thereafter be interred in said property, and the places of their interment, unless the original designation clearly indicated not only that it was irrevocable, but also that no further designations were to be made. Any designation provided for by this subsection, except a designation by a testamentary instrument, shall be deemed revocable unless such instrument provides otherwise.

F. Disposition of cemetery property.

- (1) Cemetery property with an interment therein is inalienable and cannot be disposed of, except that unused portions of property may be conveyed to the City pursuant to state law for the purpose of resale.
- (2) Unused cemetery property may be sold back to the City in a manner described in Section 43-3 of the City Code. Cemetery property may not be sold by an owner to a third party.
- (3) Intestate cessation. When the owner of cemetery property dies intestate, the possession, care and control of such property shall pass in manner described in Section 43-4 of the City Code.
- (4) Devise. Title to cemetery property shall pass by will provided that the devise is specific and meets the requirements outlined in Section 43-4 of the City Code.

Section 7-33. Power to hold cemetery property in trust.

Any owner or owners of cemetery property may grant or devise the same in trust to the City, subject to its acceptance thereof, and the City shall thereafter own the same in trust to the extent and manner and for the purpose specified in and by the deed, will or other conveyance. The City must thereafter permit the interment of only such

person or persons or class of persons in such cemetery property as may be designated in such deed, will or other conveyance or by the owners or owners thereof in his or her lifetime.

Section 7-34. Use of cemetery funds.

The expenditure of perpetual care and cemetery enterprise funds for the Mount Hope and Riverside Cemeteries shall be determined by the Commissioner after appropriation in the operating budget or otherwise by Council.

Section 7-36. Perpetual Care Funds.

For all interment space sales, the City shall collect and deposit in the Cemetery Perpetual Care Fund, a sum of money deemed sufficient for the purpose of the upkeep of the cemeteries. The principal and interest in such Fund may thereafter from time to time, as occasion may require, be expended by the City on the cemeteries for the purpose of keeping the same in repair. The City in no event is liable to repay the principal paid into the Cemetery Perpetual Care Fund.

Section 7-37. Special section funds.

Special section funds established for the care of lots in designated sections or parts of the cemetery are hereby prohibited and void.

Section 7-38. Special perpetual care prohibited.

- A. Any perpetual care arrangement which requires the City to provide service to cemetery property, which exceeds the requirements established by the Commissioner for perpetual care, is hereby prohibited and void.
- B. In instances where a property is covered by a special care arrangement, the Commissioner shall notify the depositor or heirs of record that the amount deposited for the special care arrangement will be refunded upon request. If no such depositor or heirs is found, the City shall have the right to transfer the amount deposited to a charitable institution who will oversee the special care.

Section 7-40. Purchase and sale of cemetery property by City.

- A. Notwithstanding the provisions of any other general, special or local law, the City of Rochester is hereby authorized and empowered to purchase the unused cemetery property from the owners of the property rights in such property for an amount not to exceed the price at which such property was acquired by said owners plus an amount equal to simple interest at 2% per year since the time such lots were acquired and paid for in full by such owners or their ancestors. If the owner or owners of the property rights in any cemetery property can be ascertained and located, then the City is hereby authorized to acquire such property from such

owner or owners pursuant to purchase agreement. If such owners cannot be located after diligent search, the City of Rochester may acquire such property by condemnation, provided that such property has remained unused for cemetery purposes for a period of the most recent consecutive 50 years and no contact of record has been made with the cemetery during such most recent consecutive 50 years.

- B. Notwithstanding the provisions of any general, special or local law, if one or more interment spaces remain unused in cemetery property, the City is hereby authorized and empowered to acquire such individual interment spaces from the owner or owners of the rights and property interests in such property for an amount not to exceed the sum for which such cemetery property was purchased by the original owners plus an amount equal to simple interest at 2% per year since the time such lots were acquired by such owners or their ancestors. If the owners of the rights in such individual interment spaces cannot be located after diligent search, the City of Rochester is hereby authorized to acquire such property rights by condemnation if such interment spaces have remained unused for cemetery purposes for a period of the most consecutive 50 years and no contact of record has been made with the cemetery during such most recent consecutive 50 years.
- C. Cemetery property acquired pursuant to Subsections A and B may be resold by the City of Rochester at such prices as it may set from time to time.
- D. Upon the repurchase of cemetery property by the City from a person or persons having title thereto, the liability of the City to any rightful owner or part owner of such property who has not joined in the conveyance to the City shall be limited to the payment of money damages and no equitable relief of any kind or nature shall be permitted. The amount recoverable by any rightful owner shall be limited to his or her proportionate share of the sum due all owners from the sale of the cemetery property as determined by the purchase price of the cemetery property conveyed plus an amount equal to simple interest at 2% since the time the cemetery property was acquired by such owner or his or her predecessors.

Section 7-41. Mausoleums.

Community mausoleums may be constructed in City cemeteries. The cost of constructing such buildings shall be financed through an advance sale of space in the mausoleums.

Section 4. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-333
(Int. No. 374, As Amended)

Amending Chapter 43 Of The Municipal Code, Cemeteries

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

Section 1. Chapter 43 of the Municipal Code, Cemeteries, as amended, is hereby further amended to read in its entirety as follows:

Chapter 43. Cemeteries.

43-1. Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

BURIAL - The opening and closing of a space in the ground for the interment of a deceased human being.

BURIAL TRANSIT PERMIT - A legal document issued by the Monroe County Health Department or other authority that authorizes the final disposition of human remains.

CEMETERY - All lands now or hereafter within the limits of Mount Hope or Riverside Cemetery, respectively.

CEMETERY MANAGER - That person designated by the Commissioner to have responsibility for the day-to-day maintenance and operation of the cemeteries.

CEMETERY OFFICE - The personnel at the administrative offices located at Mount Hope and Riverside Cemeteries.

CREMATION BURIAL - The opening and closing of a burial space in the ground for the interment of cremains.

COLUMBARIUM - A structure, either free-standing or part of another building containing niches for the inurnment of cremains.

COMMISSIONER - The Commissioner of Environmental Services.

CREMATION - The reduction to bone fragments and powder by heat of the remains of a deceased human being.

CREMATORY - A structure containing a retort used for the reduction of bodies of deceased persons to cremains.

CREMAINS - The remains of a body after cremation.

CREMORIAL - A memorial that contains one or more receptacles designed to house cremains.

CRYPT - A space in a mausoleum which is designed to receive a casket.

DEED - A document conveying a right of interment in specific cemetery property.

DISINTERMENT - The removal of human remains by exhumation, disentombment, or disinurnment.

DOUBLE BURIAL - The practice whereby two full body burials are permitted in the same grave space provided that the owner elects this option at the time of the first interment. The first grave is then dug to a deeper depth to permit the subsequent interment of another deceased individual on top of the first.

ENTOMBMENT - The act of placing human remains in a crypt.

FOUNDATION - The base or footing on which a memorial is installed.

GARDEN - A section of the cemetery containing interment spaces which may be identified by a particular area or section by name, and by the type, size, design and material of memorial authorized.

GRAVE SPACE OR PLOT - A space of ground in the cemetery that is used for the interment of a deceased human being.

GREEN BURIAL - A ground interment of the body remains of a deceased individual that does not involve the use of an outer burial container.

IMMEDIATE FAMILY - Spouse, domestic partner, child, parent, grandparent, grandchild, and sibling.

INTERMENT - The disposition of human remains by inurnment, entombment, or burial.

INTERMENT SPACE - A space intended for the final disposition of human remains, including, but not limited to, a grave space, mausoleum crypt, columbarium, and lawn crypt or niche.

INURNMENT - The permanent placement of cremated remains in an urn and placement of the urn in a niche or crypt.

LAWN CRYPT - Burial vault placed underground prior to actual burial at the time a section or garden of the cemetery is being developed.

LOT - A parcel or tract of land containing more than one individual grave site which is intended for use as a burial place for human remains.

MARKER - Flat memorial that is installed flush with the ground.

MEMORIAL - Any physical identification of an interment space. This includes, but is not

limited to, monuments, markers, lettering or vases applied to community mausoleum and columbaria crypt or niche fronts, private columbaria, statuary, or cremorials.

MONUMENT - An upright memorial, including large structures like obelisks, usually made from granite.

NICHE - A space within a columbarium or mausoleum used or intended to be used for the inurnment of cremains of a deceased person.

OSSUARY - A receptacle used for the communal placement of cremated human remains without benefit of an urn or any other container in which cremated remains may be commingled with other cremated remains.

OUTER BURIAL CONTAINER - A container which is designated for placement in the grave space around the casket, including but not limited to, containers commonly known as burial vaults or grave boxes.

OWNER - A person having ownership interest in a parcel of cemetery property.

OWNERSHIP INTEREST - When dealing with cemetery property, the right of interment, the right to erect monuments and the right of possession, care and control of cemetery property and shall not mean ownership in fee simple absolute.

SCATTERING - The dispersal of cremains that need not be associated with an interment right or issuance of a deed.

SCATTERING GARDEN - A location set aside within the cemetery that is used for the spreading or broadcasting of cremains that have been removed from their container and can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis.

URN - A receptacle designed to contain human cremains.

URN GARDEN - An outdoor area in the cemetery designated to be used for the underground burial of human cremains, or placement above ground of small cremorials.

URN VAULT - A container designed for placement in a grave space to hold an urn.

Section 43-2. Admission to grounds.

No person shall enter or leave the cemetery except through the public gates. The cemetery shall be open during the hours determined by the Commissioner, as indicated by the signs at the gates of the cemetery. No person, unless authorized by the Commissioner or his or her designee, shall be within the cemetery when it is closed. Any person entering the cemetery after closing,

without prior authorization from the Commissioner, will be considered a trespasser. Children under 15 years of age shall not be permitted within the cemetery grounds or their buildings unless accompanied and supervised by an adult. The Commissioner or his or her designee shall have the right to refuse admission to the cemetery and refuse the use of the grounds or any of the cemetery's facilities at any time and to any person or persons who are deemed to be in violation of the provisions of this chapter.

Section 43-3. Purchase and Sale of Cemetery Property.

- A. Purchase information for cemetery property shall be obtained at the cemetery office.
- B. All cemetery property sales will include a sale price for the interment space and a perpetual care fee for the basic upkeep of the property. All moneys shall be paid to the cemetery office, which shall give a receipt for the same, specifying the date, name of purchaser, location of interment space purchased and the amount paid therefore, all of which details shall be entered in the registered deeds, and a corresponding deed shall be drawn and executed as required by the City Charter. This deed may be obtained by the purchaser as soon as recorded upon giving up the cash receipt at the cemetery office.
- C. Cemetery space must be paid for in full before a burial, entombment or inurnment may be completed.
- D. In sections where single graves are sold there can be no choice of location. The spaces shall be filled in regular order. In cases where two single graves are purchased, one at need and the other pre-need, the second grave will not be reserved for longer than 30 days without the execution of a purchase contract.
- E. The cemetery reserves the sole right to repurchase cemetery property that has been deeded to the owner. The cemetery will reimburse the owner for the original purchase price plus an amount equal to simple interest at 2% per year since the time such property was acquired. Perpetual care charges will not be reimbursed. For a grave space, any installed monument or memorial must be removed at the owner's expense before the transaction is executed.
- F. The cemetery will not repurchase cemetery property from a purchaser unless the property has been paid for in full.
- G. Cemetery property may not be sold by an owner to third party.
- H. An owner who wishes to sell back an interment space and purchase an alternate interment space from the cemetery may do so pursuant to the provisions of this chapter.

Section 43-4. Rights of Survivorship in Cemetery Property.

- A. Except as provided below, conveyances of cemetery property by the cemetery to more than one person creates in them a tenancy in common, unless expressly declared to be a joint tenancy in the deed. In the case of tenants in common, upon the death of a tenant, his or her interest in the cemetery property passes to his or her devisees or heirs at law, subject to this section of the Code. In the case of joint tenancy, upon the death of a tenant, his or her interest in the cemetery property passes to the surviving tenants, subject only to the right of his or her surviving spouse for interment herein.
- B. A conveyance of cemetery property by the cemetery to spouses creates in them a tenancy by the entirety, unless expressly declared to be joint tenancy or a tenancy in common. In the case of tenancy by the entirety, upon the death of one tenant, the whole interest of both remains in the survivor.
- C. Deceased Owner.
 - (1) Upon the death of an owner or co-owner of a parcel of cemetery property, unless the same shall be held in joint tenancy or tenancy by the entirety, the interest of the deceased owner, to the extent that such interest has not been exhausted by the deceased owner, shall pass to his or her devisees or heirs at law subject to the following limitations and conditions:
 - (a) If the deceased owner leaves a surviving spouse and children, they shall have all rights of ownership of the deceased in common, except that the spouse shall have only a right of interment of himself or herself during his or her life.
 - (b) If the deceased owner leaves a surviving spouse but no children, such spouse shall have all rights of ownership in such interment space as the deceased, including the right and duty to care for, possess and control any space in which interments have been made.
 - (c) If the deceased owner leaves surviving children but no spouse, such children, or the survivor of them, shall have in common all rights in such interment space as the deceased, including the right and duty to care for, possess and control any interment space in which interments have been made.
 - (d) Interests in cemetery property shall be considered property devised only

if such property is specifically referred to in the will of the deceased owner. If a will expresses no disposition of such property, then the ownership shall not pass from the lawful heirs of such owner by any residual or other general clause but shall descend to such heirs as if the said owner had died intestate. If, however, the owner is not survived by any known lineal descendant and if the devisee under the residuary clause is also related to the owner within the fifth degree of consanguinity, ownership of such cemetery property shall pass under such residuary clause.

- (2) The parties having such ownership interest in the interment space during the term thereof may erect a monument and make other permanent improvements thereon subject to the rules and regulations of the cemetery.
- D. The surviving spouse shall have the right of interment for his or her body in an interment space in which the deceased spouse was an owner or co-owner at the time of his or her death, except where all the available interment space have been used for or designated for the interment of persons other than the surviving spouse. A person interred shall have the right to have his or her body remain permanently interred therein, except that his or her body may be removed therefrom to some other family interment space with the consent of his or her heirs. Where more than one owner exists, the surviving spouse may at any time release his or her right in such space, but no conveyance or devise by any other person shall deprive him or her of such right. Such right may be enforced and protected by his or her personal representatives.
- E. At any time when more than one person has an ownership interest in cemetery property, any of the persons having an ownership interest thereto may file with the cemetery an affidavit setting forth the names and places of residence of all the persons having an ownership interest, and the cemetery shall be entitled to rely upon the truth of the statements contained in such affidavit.
- F. At any time when more than one person has an ownership interest in cemetery property, the co-owners shall file with the cemetery a designation of a person who shall represent all the co-owners and, as long as they shall fail to designate, the cemetery shall have the right to make such designation.
- G. A distributee may release his or her interest in cemetery property to other distributees, and a joint owner may release or devise to the other joint owners, his or her right in the property on the conditions specified in the

release or will, the original or certified copy of which shall be filed in the office of the cemetery.

Section 43-5. Interments.

- A. No interment of a body other than that of a human being shall be permitted in the cemetery.
- B. All orders for the opening of interment space shall be filed at the cemetery office in writing on forms furnished by the cemetery subject to the discretion of the Cemetery Manager or his or her designee. No interments shall be allowed in the cemetery on Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas or New Year's Day, except in cases of death from a contagious disease when immediate burial is ordered by the Monroe County Health Director.
- C. Permission by an owner for the interment of persons not of the immediate family of the owner within the owner's cemetery property shall be in an acknowledged, written instrument in the form required by the Cemetery Manager.
- D. Funerals entering the cemetery grounds shall be subject to the direction of the Cemetery Manager, or his or her designee. Funeral directors entering the cemetery shall abide by the rules and regulations of the cemetery.
- E. Upon arrival at the cemetery, a funeral director must present to the cemetery office a Burial Transit Permit, issued by the Registrar of Vital Statistics of the County of Monroe or other authority, before a burial or entombment of body remains can take place. A burial or entombment must proceed to conclusion once the Receipt of Decedent form has been executed by the cemetery office and the decedent's remains have entered the cemetery property.
- F. For ground burials in lots, the grave to be opened on the lot must be located by the lot owner or the funeral director. When, however, the instructions for opening and closing a grave are indefinite or, for any reason, the grave cannot be opened in the location specified, the Cemetery Manager will order a grave opened at such location in the lot as may seem best under the circumstances. Such action is necessary to avoid the delay of funerals, and the City shall not be liable for any injury or dissatisfaction resulting from its selection. When an order for opening a grave is received by telephone, the cemetery will not be responsible for any misunderstanding of location.
- G. Graves shall be dug only by persons under the direction of the Cemetery Manager or his or her designee.

- H. Ground burial of the body remains of a deceased individual shall require the use of an outer burial container made of pre-cast concrete, natural stone, or steel to enclose the casket and support the earth. The use of an infant casket-vault combination for child interments will satisfy the requirement. This requirement shall be waived in the instance of a green burial approved by the Cemetery Manager.
- I. Cremation burials shall include the use of an urn vault. The use of an urn-vault combination will satisfy the requirement. This requirement may be waived by the Cemetery Manager for areas in the cemetery that have been designated as urn gardens, or for cremation burials made above a green burial.
- J. The Cemetery Manager may designate locations in the cemetery that are appropriate for the option of a green burial.
- K. Additional interments may be made in a full body grave space provided that there is adequate space and approval is granted by the Cemetery Manager. In addition to the normal fees charged for the opening and closing of the grave, a right of interment fee will be assessed for each subsequent cremation burial.

(1) Mount Hope Cemetery:

- (a) Full Burial - The cremains of up to four (4) others shall be permitted following the burial of the body remains of one person provided that an outer burial container is used in the initial burial to protect the integrity of the grave. Once a cremation burial is made in the grave space, a subsequent full body burial can be made only upon consent of the Cemetery Manager.
- (b) Double Burial - Two (2) full body burials are permitted in the same grave space, provided that the owner elects this option at the time of the first interment and an outer burial container is used to protect the integrity of the grave. The first grave will then be dug to a deeper depth to permit the subsequent interment of another outer burial container and casket. The cremains of up to four (4) others shall be permitted following the second body burial. Once a cremation burial is made in the grave space, any subsequent full body burial can be made only upon consent of the Cemetery Manager.
- (c) Green Burial - The cremains of one (1) other shall be permitted following the green burial of the body remains of one decedent. The subse-

quent cremation burial must include the use of a biodegradable urn which is placed directly in the ground. The requirement of the use of an urn vault shall be waived in this instance.

(2) Riverside Cemetery:

- (a) Full Burial - The cremains of up to two (2) others shall be permitted following the burial of the body remains of one person provided that an outer burial container is used in the initial burial to protect the integrity of the grave. [Once a cremation burial is made in the grave space, a subsequent full body burial can be made only upon consent of the Cemetery Manager.] The right of the first and/or second full body burial shall be negated once a cremation burial is performed in the grave space.
- (b) Double Burial - The Cemetery Manager has the authority to designate locations in the cemetery where double burials may be made and issue appropriate rules governing this practice. In these instances, two (2) full body burials are permitted in the same grave space, provided that the owner elects this option at the time of the first interment and an outer burial container is used to protect the integrity of the grave. The first grave will then be dug to a deeper depth to permit the subsequent interment of another outer burial container and casket. The cremains of up to two (2) others shall be permitted following the second body burial. The right of the first and/or second full body burial shall be negated once a cremation burial is performed in the grave space.
- (c) Green Burial - No additional interments are allowed in graves located in cemetery sections designated for green burials.
- L. The presence of family members is not permitted during the process of entombment due to safety concerns.
- M. All remains entombed in one of the community mausoleums shall be in a casket or alternative container acceptable to the cemetery.
- N. Cremains must be contained within an urn or container approved by the Cemetery Manager for all mausoleum or columbarium niche interments.

Section 43-6. Disinterment of Remains.

- A. Disinterment may be made on consent of the Commissioner and the written consent of a member of the decedent's immediate family. However, for ground burials where remains have been interred for many years or as a green burial, removal will be subject to the discretion of the Commissioner.
- B. If the consent of any such person cannot be obtained or if the Commissioner refuses consent, an order of the Supreme Court requiring the exhumation, disinterment or disinterment shall be sufficient.
- C. The cemetery may perform a disinterment to correct an error made in a prior interment and may transfer the erroneously interred remains to an alternate interment space within the cemetery. In such instance, only the Commissioner's approval is needed in order for the disinterment and re-interment to be performed.
- D. A funeral director must present to the cemetery office a Burial Transit Permit, issued by the Registrar of Vital Statistics of the County of Monroe or other authority, before a disinterred human body may be removed from the cemetery grounds. No permit is required for removal within the same cemetery.
- E. A disinterment must be made by the cemetery authorities.
- F. Removal arrangements shall be made at the cemetery office. A removal request for a ground burial may be made from May 1 to October 31, only.
- G. The presence of witnesses other than a funeral director, medical examiner or public safety officer is prohibited while an exhumation or disinterment is performed.
- H. The cemetery shall assume no liability for damage to any casket, outer burial container, urn, any other property, or the remains of the decedent during the disinterment process.

Section 43-7. Crematory at Mount Hope Cemetery.

- A. The operation of the crematory shall be subject to the direction of the Commissioner or his or her designee.
- B. No cremation of a body other than that of a deceased human being shall be permitted in the crematory.
- C. Necessary forms for cremation must be properly executed and presented before a cremation can take place.
- D. Funeral directors must call the crematory in advance to schedule a time to deliver remains for cremation.

- E. No exposure of the body shall be permitted once it enters the crematory, unless a funeral director is present to open and close the casket or container.
- F. A body must be delivered to the crematory in a container of sufficient strength and rigidity so that no part of the body shall become exposed during handling by crematory personnel. The bodies of infants and bodies being received from medical institutions must be received by the crematory in adequately sealed, waterproof containers of sufficient strength and rigidity so that no part of the body shall become exposed during handling by crematory personnel.
- G. Heart pacemakers, prosthesis, or any mechanical or radioactive devices or implants are dangerous when placed in a cremation chamber. The City will not be responsible or accept any liability in instances when a funeral director fails to remove these devices or implants from a decedent. The person or persons authorizing the cremation will be responsible for any damages caused to the crematory or crematory personnel by such devices or implants.
- H. The remains shall be released to the person duly authorized to receive them, which person shall be required to sign a receipt for the same.
- I. The remains must be picked up or interred within 30 days from the date of cremation, or the cemetery shall have the right to scatter or inter the remains, after the expiration of the 30 days, in any part of the cemetery it may deem proper. The appropriate charges shall be billed to the funeral director requesting the cremation.

Section 43-8. Scattering of Cremains.

- A. The scattering of cremains is allowed within the cemetery in designated scattering gardens and ossuaries. Cremains may not be scattered in other areas of the cemetery.
- B. Documentation of each scattering must be recorded on the permanent record of the cemetery. A scattering permit must be obtained from the cemetery office prior to the scattering.

Section 43-9. Monument Work and Memorialization.

- A. All burial spaces shall have no more than one monument or grave marker with the exception that burial lots may have a main monument, and a monument or marker for each individual grave therein regardless of the number of interments made in the grave. All monuments or markers on the same lot shall be uniform. Lot monuments shall be permitted only when a lot is comprised of a minimum of two (2) adjacent graves. Lot

monuments shall be set in the middle of the lot, in line with previously set monuments.

- B. All monuments and markers shall be of bronze, granite, marble or other equally durable stone material, metal or metal alloy.
- C. Within the area of the cemetery designated as memorial sections, markers which are flush with the ground shall be required.
- D. All monuments and grave markers shall be placed on a foundation which shall be adequately designed to prevent future settlement, tilting or cracking. The Cemetery Manager will approve the size and depth of all foundations. All foundations shall be installed by the cemetery and the expense for the installation will be paid by the owner. All foundation orders shall be payable when filed. No raising or altering of a foundation by a contractor shall be permitted.
- E. The Cemetery Manager must approve the design of all monuments or markers prior to installation. No person shall erect or place a monument in the cemetery that has not been approved by the Cemetery Manager.
- F. The Cemetery Manager may limit the style and size of monuments to be erected in designated areas of the cemetery, and may dictate specific monument or marker designs in designated areas of the cemetery.
- G. No monument or marker shall be removed from the cemetery, except by the cemetery, unless the lot owner is granted permission in writing by the Cemetery Manager.
- H. The cemetery may remove from a lot or plot any monument, marker, or other structure which conflicts with cemetery regulations, or whose condition poses a danger.
- I. Notice must be given at the cemetery office before any monument work is brought into the cemetery. Suitable care shall be exercised by a contractor to ensure that the cemetery grounds are not damaged during the erection of monuments. Planks must be laid on the sod where barrows or trucks are used to move monuments.
- J. Repairs or removal may be made to existing masonry enclosures at the discretion of the Commissioner.
- K. The erection of a private mausoleum shall be permitted only under rules and regulations governing same. No mausoleum shall be hereafter erected or foundation built without a sum of money equal to 15% of the construction cost for the permanent care of same, having first been deposited in a private trust for the upkeep of the structure.
- L. Permission must be secured from the cemetery office for the use of air compressors to

sandblast or to letter monument work within the cemetery.

- M. Lettering on mausoleum and columbarium crypts and niches shall comply with all requirements established by the cemetery for uniformity. Inscriptions on crypt and niche fronts shall be engraved letters and shall be furnished by the cemetery. The inscription shall consist of the given name, initial and surname, the year of birth and death. Emblems or decorations are permitted, within guidelines set by the cemetery.

Section 43-10. Adoption of Rules and Regulations and Penalties for Offenses.

- A. The Commissioner or his or her designee shall have the right to promulgate reasonable rules and regulations in connection with the provisions of this chapter and the provisions of the City Charter relating to City cemeteries and in connection with the operation of the cemetery.
- B. No person shall fail or refuse to comply with any reasonable order relating to the regulation of cemetery activities or the enforcement of the provisions of this chapter, lawfully given by the Commissioner, authorized employees or any law enforcement officer.
- C. No person shall willfully resist, obstruct or abuse the Commissioner, authorized employees or any law enforcement officer in the execution of their offices and duties.
- D. Any person violating any of the provisions of this chapter shall, upon conviction, be punishable by a fine not exceeding \$150, or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than \$5 or more than \$500 to be recovered by the City of Rochester in a civil action. In addition, any violations of Federal, State or City statutes and laws will result in criminal prosecution.

Section 43-11. General Rules and Regulations.

- A. Prohibited Acts. It shall be unlawful for any person to commit any of the following acts:
 - (1) Trespass through the cemetery, or enter or remain on cemetery grounds before or after posted hours.
 - (2) Desecrate, vandalize, deface, tear down or injure any property, grave stone, monument, tomb, vault, or fence in the cemetery.
 - (3) Bring illegal substances into the cemetery.
 - (4) Alcoholic beverages may only be possessed in the cemetery in accordance with Section 44-9 of the Municipal Code. The Commissioner has the

authority to permit the consumption of alcoholic beverages for special events held on cemetery property.

- (5) Dogs may only be possessed in the cemetery in accordance with Section 31-15.2 of the Municipal Code.
- (6) Have in possession or discharge firearms within the cemetery, except for honor guards at military funerals or special ceremonies, or police officers.
- (7) Solicitation by outside parties on cemetery property is strictly prohibited.
- (8) Advertising of any kind is prohibited within the cemetery, except for displays of merchandise or services offered for sale by the cemetery. No signs, notices or advertising may be placed on cemetery grounds or buildings without the express, written consent of the Commissioner. The cemetery may remove any unauthorized advertising without liability.
- (9) Congregate about an interment space while funeral ceremonies are in progress, unless accompanying the funeral.
- (10) Use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.
- (11) Sit, walk upon or occupy any private lot not belonging to him or her or to a member of his or her immediate family.
- (12) Climb the banks or terraces.
- (13) Climb on or disturb any trees, shrubs, or plantings, or pick flowers or foliage.
- (14) Possess a bow and/or arrow in the cemetery.
- (15) Throw trash or litter on the roads, paths, lawns, lots or any other part of the cemetery grounds or buildings, except into designated receptacles.
- (16) Drive a motor vehicle faster than 15 miles per hour within the boundaries of the cemetery.
- (17) Operate an off-the-road vehicle of any kind, except for cemetery maintenance personnel.
- (18) Riders of motorcycles and bicycles must keep their vehicles on paved roads and obey the cemetery speed limit.
- (19) Large commercial vehicles of any kind are not permitted within the cemetery

grounds unless they are allowed by permission of the Cemetery Manager.

- (20) Recreational activities such as skiing, mountain biking, sledding, skateboarding, rollerblading, ball playing, or swimming.
 - (21) Feed or disturb fish, birds or other animal life within the cemetery.
 - (22) Conduct a treasure or scavenger hunt on the cemetery grounds. This includes geo-caching activities.
 - (23) Make a rubbing of a monument or memorial.
- B. No person shall commit the following acts in the cemetery relative to the treatment of the grounds:
- (1) Lay or remove any sod or alter the grade of any lot within the cemetery, either on their lot or another's lot.
 - (2) Plant a tree, shrub, vine, or other permanent foliage on a grave plot or lot, or remove or trim any tree.
 - (3) Pluck or remove any plant or flower, either wild or cultivated, from cemetery property not owned.
 - (4) Place aggregate, marble chips, stones, glass chips, or similar materials around monuments, memorials, or grave plots.
 - (5) Erect or construct a wall, fence, curb, border or barrier, either temporary or permanent, around the perimeter of any lot or grave plot or lot.

Section 43-12. Adoption of Rules and Regulations Pertaining to the Decoration of Interment Spaces.

The Commissioner or his or her designee is authorized to promulgate rules relative to the decoration of in-ground or above-ground interment spaces. Rules will be posted at the entrance of the cemetery and may be updated periodically by the Commissioner or his or her designee as deemed appropriate.

Section 43-13. Activities Requiring Permits.

The Commissioner may authorize non-interment related activities to occur in the public areas of the cemetery grounds. These activities require prior written approval through a permitting process. Approval for such activities shall be made by the Commissioner at his or her sole discretion.

No person shall commit any of the following acts within a cemetery, except authorized employees or persons with written permission from the Commissioner:

- A. Conduct a public tour;
- B. Deliver any public speech, or hold a public march or parade;
- C. Hold a wedding ceremony or private party;
- D. Conduct an organized game or activity, including activities such as races, walks, and similar organized activities;
- E. Professionally photograph a staged subject;
- F. Film any portion of the cemetery grounds;
- G. Hold a gathering of more than 25 people;
- H. Charge an admission or entry fee for any activity that takes place within the cemetery grounds;
- I. Possess or consume any alcoholic beverage.

Section 43-14. Cemetery Pricing.

The Commissioner shall establish the sale pricing for interment spaces, fees for cemetery products and services, and charges for the use or rental of facilities.

Section 2. This ordinance shall take effect on December 1, 2011.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 367
Re: Official Map Amendment -
Abandonment, Holmdel Place

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of Holmdel Place. The abandonment was referred to the necessary agencies for comment.

The abandonment is being requested by the Rochester-Genesee Regional Transportation Authority to incorporate the resulting property into a planned facility expansion. The expansion includes the construction of a 154-space parking area along East Main Street, fencing with piers, pedestrian entrances and courtyards, and installation of a Beechwood Neighborhood sign at East Main Street and Federal Street.

The City Planning Commission, on May 20, 2011, recommended approval of this abandonment by a vote of 5-0-1. Minutes of that meeting, along with

the application, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing on the abandonment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 367

**AMENDING THE OFFICIAL MAP BY
ABANDONMENT OF HOLMDEL PLACE**

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 Holmdel Place:

All that tract or parcel of land containing 0.144 acres, more or less, situate in the City of Rochester, County of Monroe, State of New York, being bounded and described as follows:

Beginning at a point of intersection of the northerly right-of-way line, of East Main Street (66 feet wide) with the westerly right-of-way line of Holmdel Place (50 feet wide); thence

Thence (1) N 10°58'19"E, along said westerly right-of-way line, distance of 125.00 feet to a point; thence

Thence (2) S 79°01'41"E, a distance of 50.00 feet to a point of intersection with the easterly right-of-way line of said Holmdel Place; thence

Thence (3) S 10°58'19"W, along said easterly right-of-way line, a distance of 125.00 feet to a point of intersection with the aforementioned northerly right-of-way line of East Main Street; thence

Thence (4) N 79°01'41"W, along said northerly right-of-way line distance of 50.00 feet to the Point of Beginning.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of May 20, 2011.

Section 3. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden
October 11, 2011

from November 1, 2011 to September 29,
2012.

To the Council:

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

Int. No. 368 - Authorizing Agreements For The HEART Coalition For A Drug-Free Rochester Program, As Amended

Int. No. 369 - Authorizing Agreements For Youth Voice, One Vision

Int. No. 381 - Authorizing An Agreement With The County Of Monroe With Respect To A Back-Up Generator

Int. No. 382 - Appropriation Of Funds For Smoke And Carbon Monoxide Detectors

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-334
Re: Agreements - HEART Coalition

Transmitted herewith for your approval is legislation related to the HEART Coalition for A Drug-Free Rochester, a U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration grant project. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services Administration for the receipt and use of a \$125,000 grant for implementation of services provided by the HEART Coalition for a Drug-Free Rochester.
2. Establish \$47,797 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc., to act as fiduciary for Metro Council for Teen Potential (MCTP) to direct the project, coordinate the coalition of agencies involved with the program, and oversee needs assessment, analysis and social marketing for the program. The term of this agreement will be from November 1, 2011 to September 29, 2012.
3. Establish \$17,522 as maximum compensation for an agreement with Rochester General Hospital Department of Pediatrics, Northeast Rochester Youth and Family Wellness Project to coordinate the Peer Educators program

4. Authorize additional agreements as needed for implementation of the program. It is currently anticipated that the following agencies will be involved:

RCTV, Channel 15	
\$1,000	Media production services
RIT, Center for Public Safety Initiatives	
\$5,000	Program evaluation services

The remaining \$53,681 of the grant will be used to fund personnel, supplies, and travel costs related to grant projects.

The HEART Coalition was originally funded by a five-year federal grant for approximately \$100,000 annually from September 30, 2005 until September 29, 2010. Due to the success of the HEART Coalition and its partners, the City of Rochester was awarded a second, five-year cycle of funding for approximately \$125,000 annually from September 30, 2010 until September 29, 2015. The overall goal of the project is to reduce substance abuse, especially alcohol and marijuana among youth ages 11-18, through the efforts of a community-wide coalition.

A program description is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-123

Ordinance No. 2011-334
(Int. No. 368, As Amended)

Authorizing Agreements For The HEART Coalition For A Drug-Free Rochester Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services Substance Abuse and Mental Services Administration for funding for the HEART Coalition for a Drug-Free Rochester Program.

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

Section 3. The sum of \$[47,797] 47,035, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Baden Street Settlement of Rochester, Inc. as fiduciary for the Metro Council for Teen Potential, for services relating to the HEART Coalition for a Drug-Free Rochester Program. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 4. The sum of \$[17,522] 17,542, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester General Hospital Department of Pediatrics, Northeast Rochester Youth and Family Wellness Project, to coordinate the Peer Educators Program. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 5. The sum of \$[59,681] 60,423, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services, personnel, supplies and travel services for the HEART Coalition for a Drug-Free Rochester Program. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-335
Re: Agreements - Youth Voice, One Vision

Transmitted herewith for your approval is legislation related to the 2011-12 Youth Voice, One Vision program. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation for the receipt and use of a \$35,000 grant to support the program;
2. Establish \$14,500 as maximum compensation for an agreement with Nazareth College to provide service learning and Girls Coalition program coordination from November 1, 2011 to August 31, 2012; and
3. Establish \$4,000 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide creative arts workshops and youth mentorship from November 1, 2011 to August 31, 2012.

The remaining \$16,500 of the grant will be used to fund catering services, DJ services, supplies and rent fees related to grant projects.

Youth Voice, One Vision is a youth leadership and youth development program administered by the City. The program currently has nine youth officers and approximately 80 active youth members. The participants range in age from 8 to 18, with the majority between 10 and 15. About 25% of the participants are 16-18.

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, workshops, conferences and special events. YVOV members act as presenters and "youth experts" on local, regional, and national panels, forums and events.

Project description information is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-124

Ordinance No. 2011-335
(Int. No. 369)

Authorizing Agreements For Youth Voice, One Vision

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

Section 1. The Mayor is hereby authorized to enter into an agreement with 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 \$4,000, 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 Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide Youth Voice, One Vision services. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 4. The sum of \$14,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nazareth College for service learning and program coordination services for Youth Voice, One Vision. Said amount shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 5. The sum of \$16,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services, catering and transportation services for Youth Voice, One Vision. Said amount

shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-336
Re: Agreement - Monroe County,
Communications Tower/N. Clinton
Avenue Firehouse Back-up
Generator

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Monroe County for the shared cost for the installation of a back-up generator at Quint/Midi 6 Fire Station located at 1207 North Clinton Avenue. The cost of the agreement will be funded from prior year Cash Capital allocations for Generator Installations.

The County is planning to install a back-up generator for the wireless communications tower located on the southwest corner of the N. Clinton Avenue fire station parking lot. The Fire Department, in conjunction with the Department of Environmental Services, has a multi-year plan to provide standby emergency power at all fire stations, at a cost of approximately \$120,000 for each station. The N. Clinton station does not currently have a back-up system.

The County project provides an opportunity for the City to tie into the new generator proposed for the wireless communications tower. The additional work and equipment to ensure full redundancy back-up power at the fire station is estimated to cost \$50,000.

The project is expected to begin in fall 2011 and will be completed by spring 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-336
(Int. No. 381)

Authorizing An Agreement With The County Of Monroe With Respect To A Back-Up Generator

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

Section 1. The Mayor is hereby authorized to enter into agreement with the County of Monroe for sharing of the cost of a back-up generator at the Quint/Midi 6 Fire Station at 1207 North Clinton Avenue.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-337
Re: Smoke Detector Installation Program

Transmitted herewith for your approval is legislation appropriating \$75,000 from the 2011-12 General Community Needs allocation of the Consolidated Community Development Plan for the purchase of smoke and carbon monoxide detectors and replacement batteries.

The Rochester Fire Department provides and installs free smoke and carbon monoxide detectors to low and moderate income families living in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations.

In 2010-11, the RFD installed 1065 smoke detectors, 1177 carbon monoxide detectors, and 692 batteries in residential properties throughout the city. As an additional effort to educate residents, firefighters performed 208 home safety surveys and provided assistance in developing home escape plans for residents as a voluntary component of the program.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-337
(Int. No. 382)

Appropriation Of Funds For Smoke And Carbon Monoxide Detectors

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

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated from the Responding to General Community Needs Objective, Fire Department Small Equipment allocation of the 2011-12 Community Development Block Grant to fund the purchase and installation of

smoke and carbon monoxide detectors and replacement batteries.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:34 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
NOVEMBER 15, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Councilmember McFadden introduces Rochester Alumnae Chapter of Delta Sigma Theta, Inc.

Retirement:
Neighborhood & Business Development
*Sharon Langdon
Fire Department
*Kenneth R. Gippe
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of October 11, 2011 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submits the following:
 - Public Disclosure - CDBG Participation (2) 4060-11, 4061-11
 - Public Auction - January 13, 2012 4062-11
 - Quarterly Reports 4063-11
 - Workers Compensation Claims
 - General Liability Claims

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Petition with 1,040 signatures in support of the Occupy Rochester, NY 24-hour peaceful protest and occupation of Washington Square Park. Petition No. 1658

PUBLIC HEARINGS.

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

Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Dwelling Unit Conversions And Nonconforming Uses Int. No. 398 No speakers.

Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To The Amendment Process Int. No. 399 No speakers.

Amending Section 120-185 Of The Municipal Code, Preservation Board Int. No. 400 No speakers.

Changing The Zoning Classification Of 18-20 And 24 Fort Hill Terrace From R-1 Low Density Residential To C-V Collegetown Village Int. No. 402 Hearing adjourned until December 13, 2011.

Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175 Int. No. 403 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-338
Re: Agreement - Rochester City School District, Community Emergency Response Team Instructor Training

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District (RCSD) for payment of \$25,000 for training to be provided by the Rochester Fire Department, and amending the 2011-12 Budget of the Fire Department to reflect this amount.

The Fire Department will provide Community Emergency Response Team (CERT) instructor training for RCSD teachers and staff. The \$25,000 will cover costs of instructor time, materials, and supplies for the courses.

The RFD will conduct four full days of training that will include disaster simulation, fire safety, point of distribution processes, and light search and rescue. RCSD personnel will, in turn, train student teams in City high schools.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-338
(Int. No. 421)

Authorizing An Agreement For The Community Emergency Response Team (CERT) And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District (RCSD) whereby the Rochester Fire Department will provide Community Emergency Response Team (CERT) Instructor Training for RCSD teachers and staff.

Section 2. The agreement shall obligate the RCSD to pay to the City an amount not to exceed \$25,000 for said services.

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

Section 4. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$25,000, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 15, 2011

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 386 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Services

Int. No. 387 - Resolution Approving Appointment To The Civil Service Commission Of The City Of Rochester

Int. No. 388 - Resolution Approving Reappointments To the Rochester Public Library Board Of Trustees

Int. No. 420 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Real Estate Title Services

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott

Lovely A. Warren
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-339
Re: Agreement - Technisource, Rollout of Windows 7 Operating System Upgrade

Transmitted herewith for your approval is legislation establishing \$90,000 as maximum compensation for an agreement with Technisource to design a City-wide rollout of a Windows 7 operating system upgrade and design and deploy Microsoft's desktop management software. The cost of this agreement will be funded from prior years' Cash Capital.

Windows XP, the City's current operating system is being phased out by Microsoft. Some new software applications are not compatible with XP, and technical support for the operating system will end entirely in 2014, necessitating an upgrade to Windows 7.

The City runs several hundred applications developed in-house whose compatibility with Windows 7 is unknown. Technisource will provide discovery, planning, and design services to locate all of these applications and identify which need to be updated for compatibility prior to the Windows 7 rollout.

In addition, Technisource will design and execute desktop management software City-wide. This tool allows the IT Department to remotely identify the applications running on any City asset and automatically evaluate the impact an upgrade would have on those applications. Currently, this type of evaluation must be done manually by a technician.

A request for proposals was posted on the City website for thirty days. Proposals were submitted by five firms: CSS CORP (SlashSupport, Inc.) San Jose, CA; DynTek Services, Newport Beach, CA; HP State and Local Enterprise Services, Herndon, VA; Technisource, Fort Lauderdale, FL; and Telperion Solutions Group, LLC, Rochester.

Proposals were reviewed by a team of four IT staff and evaluated on the following criteria: competence as demonstrated by previous successful designs and experience; articulation of the technical issues; methodology; ability to teach our staff how to design and maintain the solution; and cost.

Two of the vendors were rated highly; Technisource was selected based on a slight cost advantage. Technisource is headquartered in Ft. Lauderdale, Florida, and has local offices in Fairport.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-339
(Int. No. 386)

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 \$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 Technisource for the design of a Windows 7 operating system upgrade and the design and deployment of Microsoft's desktop management software. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-19
Re: Appointment - Civil Service Commission

Transmitted herewith for your approval is legislation confirming the appointment of John Feola, 273 Dorchester Road, to the Civil Service Commission. He will fill a position that was most recently held by Thomas Hampson, whose term has expired.

The Civil Service Commission prescribes rules and implements them by classifying employment positions, developing and administering civil service examinations, establishing lists of eligible job applicants, and hearing appeals. There are five members, all of whom serve six year terms; not more than three of the members are to be of the same political party.

There are currently two Democrats, one Republican, and one Independent on the Commission. Mr. Feola is registered with the Democratic Party.

Mr. Feola's term will extend to May 31, 2016. A copy of his resume is available in the Clerk's Office for review.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2011-19
(Int. No. 387)

Resolution Approving Appointment To The Civil Service Commission Of The City Of Rochester

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

Section 1. The Council hereby approves the

appointment of John Feola, 273 Dorchester Road, to the Civil Service Commission of the City of Rochester for a term which shall expire on May 31, 2016. Mr. Feola shall replace Thomas Hampson, whose term has expired.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-20
Re: Re-appointments - Rochester Public Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the reappointment of Judy Hall, 49 Menlo Place, Rochester; and George Wolf, 28 Potter Place, Fairport, to the Rochester Public Library Board of Trustees.

George Wolf has served on the RPL Board since 2001, and is the member selected by the Monroe County Library System Board to be their liaison to the RPL Board. He was last re-appointed in 2006, and his current term expires December 31, 2011. His new term will extend to December 31, 2016.

Judy Hall was first appointed to the RPL Board in March 2008 and her current term expires December 31, 2011. Her new term will extend to December 31, 2016.

Both Mr. Wolf and Ms. Hall have excellent attendance and participation records. Resumes for each are available for review in the Office of the City Clerk.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2011-20
(Int. No. 388)

Resolution Approving Reappointments To The Rochester Public Library Board Of Trustees

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

Section 1. The Council hereby approves the reappointment of George Wolf, 28 Potter Place, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2016.

Section 2. The Council hereby approves the reappointment of Judith Hall, 49 Menlo Place, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2016.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-340
Re: Amendatory Agreement - Real Estate
Title Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Independent Title Agency, LLC, 200 Canal View Boulevard, for the provision of real estate title services for the upcoming City foreclosure proceeding. The maximum cost of the amendatory agreement will be \$20,000, which will be financed from the 2011-12 Budget 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 the agreement authorized by the City Council in Ordinance No. 2009-225.

Since the City sold delinquent tax liens to ATF, there has been a significant drop in City foreclosures and the need for title services. For the 2007 tax foreclosure, Independent searched 2,569 titles. By contrast, this year Treasury had identified between 500 and 600 properties for its foreclosure action. The City would acquire these properties for demolition or development. In response to questions involving vacant properties with unenclosed liens, the City is proposing a trial program to include approximately 183 additional vacant properties in its upcoming foreclosure proceeding, with the expectation that these properties will be purchased at auction and then rehabilitated and occupied. The amendatory agreement would provide the funding for the title searches for these additional properties. Funds have also been included to cover the cost of monthly reports on private foreclosures so that the City will be able to hold the proper party responsible for vacant properties.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-340
(Int. No. 420)

Establishing Maximum Compensation For An Amendatory 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 \$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 Independent Title Agency, LLC, for real estate title services. Said amounts shall be funded from the 2011-12 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
November 15, 2011

To the Council:

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

Int. No. 389 - Authorizing The Sale Of Real Estate

Int. No. 390 - Authorizing Agreements For The Asset Control Area Program

Int. No. 391 - Designating Parcels To Be Known As The Marketview Heights Urban Renewal District

Int. No. 392 - Authorizing The Lease Of Space In The Port Terminal Building

Int. No. 393 - Authorizing The Lease Of Space In The High Falls Centers

Int. No. 394 - Authorizing The Use Of Space In Turning Point Park

Int. No. 395 - Authorizing Agreements For The Home Buyer Training Program And Amending Ordinance No. 2011-198, As Amended

Int. No. 396 - Establishing Maximum Compensation For A Professional Services Agreement For Financial Analysis Software

Int. No. 397 - Resolution Approving An Appointment To The Elevator Examining Board

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

Int. No. 398 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Dwelling Unit Conversions And Nonconforming Uses

Int. No. 399 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To The Amendment Process

Int. No. 400 - Amending Section 120-185 Of The Municipal Code, Preservation Board

Int. No. 401 - Local Law Amending The City Charter With Respect To The Preservation Board

Int. No. 403 - Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

The following entitled legislation is being held in Committee:

Int. No. 402 - Changing The Zoning Classification Of 18-20 And 24 Fort Hill Terrace From R-1 Low Density Residential To C-V Collegetown Village

Attachment No. AK-126

Ordinance No. 2011-341
(Int. No. 389)

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcel of improved property by request for proposal:

Received, filed and published.

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Use</u> <u>Purchaser</u>	<u>Price</u>
239-241 York St 120.34-1-19.1	70x66	1 Family Zbigniew Urbanowicz	\$1,000

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-341
Re: Sale of Real Estate

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

Transmitted herewith for your approval is legislation approving the sale of twelve properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the 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.

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u> <u>Purchaser</u>	<u>Price</u>
Pt. of 305-307 Allen St	81x111	4,346 Melinda Windom	\$425
36 Cameron St 105.66-1-29	40x124	4,936 Cameron Community Ministries*	\$425
52 Thurston Rd 120.64-2-1	69x130	8,970 60 Thurston LLC**	\$900

The first property is a single-family home being sold by proposal at appraised value. The purchaser will be required to complete the rehabilitation of the structure within nine months of conditional closing.

- * Board of Directors: Cornelia Labrum, Chair; Susan Orr, Vice Chair; Rev. Alan Newton, Treasurer; Jan Widboom, Secretary
- ** LLC Members: Thomas Sullivan, Member; Kevin Sullivan, Member

The next three parcels are buildable vacant lots, all being sold to their adjacent owners. The first will be improved as a parking lot and includes landscaping; the second will be made into a playground for the use of their clients and neighborhood residents and will include the installation of a fence; the third will be improved as a parking lot and green space.

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

The last eight properties are unbuildable vacant lots being sold to the adjoining owners. The intention of each owner is to combine the vacant lot with their respective parcel.

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
23 Angle St 105.66-1-15	33x100 Kenneth Stone	3,300
91 Clifford Av 106.29-4-46	35x110 Jo A. Dickinson	3,932
8-8.5 Diamond Pl 107.53-1-26	33x108 Rochester Housing Development Funding Corporation***	3,564
348 Frost Av 120.68-1-22	30x141 Brunetta Miller	4,286
96 Lincoln St 106.42-1-59	40x95 Mary C. Johnson	3,673
346 Scio St 106.73-2-1	20x130 James & Silvester Nesmith	2,573
57 Vassar St 121.52-2-12.2	3x43 Edward & Linda Flanagan	129
10 Wayne Pl 120.58-2-21.1	120x34 Sherry Ann Faniel	3,920

The first year projected tax revenue for these twelve properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$5,150.

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

Respectfully submitted,
Thomas S. Richards
Mayor

*** Board of Directors: Kevin Recchia, Esq., President; Bret Garwood, Vice President; Alma Balonon-Rosen, Secretary; Joan Dallis, Member; Gerry DiMarco, Esq., Member; Kabutey Ocansey, Member; Julio Vazquez, Member

Section 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. 2011-342
Re: Asset Control Area Program

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Housing and Urban Development (HUD) for the continuation of the Asset Control Area (ACA) program through December 31, 2013, and approving the updated Business Plan for the program. A copy of the Plan is on file with the City Clerk.

The HUD/ACA program allows local government and not-for-profit developers to purchase the inventory of HUD-owned residential properties at a discount in designated areas. The lower acquisition price reduces 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 the primary component of the Home Rochester Program. A program description is attached.

The program requires the City to purchase all HUD-owned 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 the Area Median Income and must agree to live in the property for a minimum of 10 years.

Since the program began in 2004, 429 properties have entered the ACA system. Currently, 410 properties have been sold to owner-occupant buyers, with the remaining 19 properties in various stages of development. The Home Rochester ACA program has received excellent compliance reviews conducted by independent auditors. Additional information on program performance is attached.

It is anticipated that approximately 75-150 properties will be acquired during each year of the agreement.

The most recent HUD/ACA agreement was ap-

proved by City Council in November 2009 (Ordinance No. 2009-372).

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-127

Ordinance No. 2011-342
(Int. No. 390)

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, 2013.

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. 2011-343
Re: Urban Renewal District Designation -
Marketview Heights Revitalization Area

Transmitted for your approval is legislation approving the Marketview Heights Revitalization Area as eligible for designation as an urban renewal district.

The area includes properties within an irregularly shaped boundary generally including properties located on the west side of Scio Street from the

Inner Loop to the railroad tracks, easterly along the railroad tracks and cutting over to Augusta Street running east, properties along the east side of North Union Street running south of Champeney Terrace to Kenilworth Terrace, then including properties on the north side of East Main Street and west of Prince Street, and then east of the Inner Loop from East Main Street to the west side of Scio Street. A map of the area is attached.

The proposed designation is intended to facilitate the redevelopment of the Marketview Heights Revitalization Area. A conditions analysis report on the area was completed by the Enterprise Foundation in September 2011 and is available for review in the Office of the City Clerk.

The revitalization area is comprised of 333 parcels, including vacant lots, and residential and commercial structures. Of the structures surveyed through the conditions analysis report, 70 were found to be in blighted condition.

The proposed district has many structures that are over 100 years old and in poor condition, and numerous vacant and/or underutilized structures and lots. Initial planning efforts suggest that several of these properties should be acquired and demolished while others should receive rehabilitation assistance.

These conditions constitute sufficient evidence to define the area as "blighted", satisfying requirements for its designation as an urban renewal district.

If council approves eligibility, a formal plan for the district will be developed. Approval of this plan by the Planning Commission and the Council will be required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-128

Ordinance No. 2011-343
(Int. No. 391)

Designating Parcels To Be Known As The Marketview Heights 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 Marketview Heights area in the City of Rochester is substandard and insanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Marketview Heights Urban Renewal District. The area generally includes properties within an irregularly shaped boundary generally including properties located on the west side of Scio Street from the Inner Loop to the railroad tracks, easterly along the railroad tracks and cutting

over to Augusta Street running east, properties along the east side of North Union Street running south of Champeney Terrace to Kenilworth Terrace, then including properties on the north side of East Main Street and west of Prince Street, and then east of the Inner Loop from East Main Street to the west side of Scio Street.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as a urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-344
Re: Lease - Harbor View Café, Port

Transmitted herewith for your approval is legislation authorizing a lease agreement with Harbor View Café, LLC for retail space in the terminal building at the Port of Rochester.

Harbor View Café currently occupies 575 square feet, and the owners have requested a relocation to a space with more visibility. Their lease for the new space of 500 square feet will continue at the same rate of \$12 per square foot annually, resulting in a monthly rate of \$500. The lease will commence April 1, 2012 and terminate on March 31, 2013 and will include the option for four one-year renewals. Due to decreased foot traffic in the winter months, the Cafe will continue to close seasonally from November 1 through March 31 each year, during which time no rent will be charged.

The monthly rental rate was 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 amount.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-129

Ordinance No. 2011-344
(Int. No. 392)

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 Harbor View Café, LLC seasonally from April through October for a term of one year, commencing April 1, 2012, with options to renew for four additional one-year terms; and

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

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease; 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 café 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 Harbor View Café, LLC for the lease of approximately 500 square feet of retail space in the Port Terminal Building. The agreement shall extend seasonally from April through October for a term of one year, commencing April 1, 2012, with options to renew for four additional one-year terms.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$500.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-345
Re: Lease - Sanpa, LLC d/b/a LaLuna, High Falls Centers

Transmitted herewith for your approval is legislation authorizing a lease agreement with Sanpa LLC, d/b/a LaLuna, for retail space in the High Falls Centers for the operation of a restaurant.

Sanpa, LLC will continue to rent 2,000 square feet of first floor space at a monthly rental rate of \$3,000, or \$18 per square foot. The lease will commence December 1, 2011 and terminate on November 30, 2012 and will include the option for four one-year renewals.

The monthly rental rate was established through an independent appraisal prepared by Kevin Bruckner, MAI.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-130

Ordinance No. 2011-345
(Int. No. 393)

Authorizing The Lease Of Space In The High Falls Centers

WHEREAS, the City of Rochester has received a proposal for the continued lease of space in the High Falls Centers to Sanpa LLC, d/b/a LaLuna, for a term of one year, with options to renew for four additional one-year terms; and

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

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease; 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 a restaurant at the High Falls Centers.

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 Sanpa LLC, d/b/a LaLuna, for the continued lease of approximately 2,000 square feet of retail space in the High Falls Centers. The agreement shall extend for a term of one year, with options to renew for four additional one-year terms.

Section 2. The lease agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$3,000.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-346
Re: License Agreement - ESSROC, Boxart
Street Parcel

Transmitted herewith for your approval is legislation authorizing a 10-year license agreement with ESSROC Materials, Inc. for the continued use, occupancy, and maintenance of the docking pier, conduit, and pump house of a City-owned parcel located within Turning Point Park, adjacent to 361 Boxart Street.

ESSROC and their predecessor, Rochester Portland Cement Corporation, have used this parcel since 1972 to transport raw materials for cement manufacture from ships and/or barges in the Genesee River to its facility at 361 Boxart Street. Approximately 50 shipments of such materials are received each year.

The current license agreement expires on November 30, 2011. The new license agreement will commence December 1, 2011 and expire on November 30, 2021. The monthly rental amount will be \$3,000 and was established through an independent appraisal prepared by Kevin Bruckner, MAI.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-346
(Int. No. 394)

Authorizing The Use Of Space In Turning Point Park

WHEREAS, the City of Rochester has received a proposal for the continued use of space in Turning Point Park by ESSROC Materials, Inc. for a term of ten years; and

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

WHEREAS, the term of the use is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the use; and

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

WHEREAS, the Council affirmatively finds that the proposed use is in the public interest, as the public benefit to be derived from the use is the continuation of river transportation services for the manufacturing facility at 361 Boxart Street.

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

Section 1. The Mayor is hereby authorized to enter into a license agreement with ESSROC Materials, Inc. for the continued use, occupancy and

maintenance of a docking pier, conduit and pump house on a City-owned parcel within Turning Point Park for the continuation of river transportation services for the manufacturing facility at 361 Boxart Street. The agreement shall extend for a term of ten years.

Section 2. The license agreement shall obligate the lessee to pay monthly rent to the City in the amount of \$3,000.

Section 3. The license 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. 2011-347
Re: Agreements and Appropriations - Home
Buyer Training

Transmitted herewith for your approval is legislation establishing \$32,500 each as maximum compensation (an aggregate total of \$97,500) for agreements with NeighborWorks Rochester, The Urban League of Rochester, and Marketview Heights Association for home-buyer training services; and appropriating \$60,000 from the Home Buyer Training allocation of the 2011-12 HOME Homeownership Fund to partially fund the agreements. The balance of the cost of the agreements, \$37,500, will be funded the Home Buyer Training allocation of the 2011-12 City Development Fund Account.

Each of the agencies will provide pre- and post-training to all recipients of City closing cost grants. The cost to provide training for each recipient is \$500 (\$350 for pre- and \$150 for post-training). The term of these agreements will be eighteen months.

In September 2010, a request for proposals for these services was posted on the City's web site. In addition to the three selected agencies, a proposal was also received from Providence Housing. Proposals were reviewed by a team of staff from the Department of Neighborhood and Business Development. Based on experience, qualifications, and completeness of proposal, all four organizations were recommended for six month agreements. However, given the low rate at which clients chose Providence, their agreement will not be renewed.

It is anticipated that 438 individuals will participate in homebuyer training during the period of February-August, 2011.

The most recent agreements for these services were approved by City Council in January 2011 (Ord. No. 2011-4).

The Homeownership Promotion Fund supports the

City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-131

Ordinance No. 2011-347
(Int. No. 395, As Amended)

Authorizing Agreements For The Home Buyer Training Program And Amending Ordinance No. 2011-198

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 NeighborWorks, The Urban League of Rochester, NY, Inc., and the Marketview Heights Association to implement the Home Buyer Training Program in an amount not to exceed \$32,500 each.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$97,500, and of said amount, or so much thereof as may be necessary, \$60,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Home Buyer Training Account) of the 2011-12 HOME Program and \$37,500 shall be funded from the 2011-12 City Development Fund.

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

Section 4. Ordinance No. 2011-198, relating to the Rental Market Fund Programs, is hereby amended by changing the source of funds of \$1,312 in Section 2 from the Improving the Housing Stock and General Property Conditions allocation of the 2010-10 Community Development Program to the 2010-11 Community Development Program.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-348
Re: Agreement - WebEquity Solutions, LLC,
Software Subscription

Transmitted herewith for your approval is legislation establishing \$6,836 as maximum compensation for a three year agreement with WebEquity Solutions, LLC, Omaha, Nebraska, for a subscription to web-based financial analysis software. The annual cost of the agreement will be funded from the an-

nual operating budgets of the Department of Neighborhood and Business Development, as follows: \$2,100 in 2011-12, \$2,255 in 2012-13, and \$2,481 in 2013-14.

The WebEquity software will be used by the Bureau of Business and Housing Development (BHD) as part of the underwriting process for BHD's loan and grant programs. BHD provides approximately 150 loans and grants on an annual basis. The purchase of the WebEquity software will result in increased efficiency and a more streamlined approval process. The software currently being used by BHD was purchased in 1998 and is obsolete.

The software application is hosted by WebEquity utilizing its hardware, operating systems, and database technologies and will be accessed by the City via the Internet. The agreement also includes unlimited training, technical support, and software updates/enhancements throughout the term.

A minimum three-year initial term is required by the vendor due to the amount of set-up and configuration of the software subscription needed to accommodate the City as a new customer. Following the initial three-year term, the agreement will be renewable on an annual basis.

The City chose the WebEquity product after thorough review and demonstration of several comparable products. This product was chosen based on cost, product features, the amount of training and technical support provided, as well as vendor quality. Additionally, the WebEquity product is web-based and therefore, will not impact the City's existing hardware resources.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-348
(Int. No. 396)

Establishing Maximum Compensation For A Professional Services Agreement For Financial Analysis Software

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

Section 1. The sum of \$6,836, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and WebEquity Solutions, LLC for the purchase and implementation of web-based financial analysis software for loan and grant programs of the Department of Neighborhood and Business Development. The agreement may extend for an initial term of three years, and may continue thereafter on a year to year basis subject to mutual approval and availability of City funds. Of said amount, \$2,100 shall be funded from the 2011-12 Budget, \$2,255 from the 2012-13 Budget, and \$2,481 from the 2013-14 Budget of the Department of Neighborhood and Business Development, contingent upon adoption of the latter budgets.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - President Warren - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-21
Re: Appointment - Elevator Examining Board

Transmitted herewith for your approval is legislation confirming the appointment of Michael Donatelli, 1387 Jackson Road, Penfield, NY, to the Elevator Examining Board. The Elevator Examining Board is responsible for the interpretation of Chapter 50 of the Municipal Code, concerning elevators, escalators, and other conveyances.

Mr. Donatelli owns the building at 41 Chestnut Street in the city and will fill one of two positions on the nine-member board reserved for building owners. His term will extend to November 30, 2014. A copy of his resume is available for review in the City Clerk's Office.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2011-21
(Int. No. 397)

Resolution Approving An Appointment To The Elevator Examining Board

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

Section 1. The Council hereby approves the appointment of Michael Donatelli, 1387 Jackson Road, to the Elevator Examining Board for a term which shall expire on November 30, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-349,
Ordinance No. 2011-350,
Ordinance No. 2011-351 and
Local Law No. 12

Re: Amendments - City Charter and Zoning Code

Transmitted herewith for your approval is legislation amending the City Charter to modify the composition of the Preservation Board, and Chapter 120 of the Zoning Code of the City of Rochester to address changes required in regulations governing

nonconforming structures; dwelling unit conversions; lot size requirements; and the process to amend the Official Map and Comprehensive Plan.

Nonconforming Structures

In spring 2011, the Department of Neighborhood and Business Development initiated public discussions on City-recommended amendments to modify the regulation of nonconforming uses. The most significant and controversial change related to the regulation of properties originally constructed as single-family dwellings which had been legally converted to multi-unit dwellings prior to 2003, when the down-zoning was adopted. There are approximately 500 such properties in R-1 districts citywide.

The original proposal was to base the abandonment of these properties on the condition of a property instead of the length of time that a property had been vacant. However, in response to neighborhood concerns, City staff explored alternatives which were further reviewed and discussed with neighborhoods, and resulted in the following planned actions:

- Existing nonconforming use provisions will be retained for one more year. The Bureaus of Zoning and Planning and Inspection and Compliance will assess the workload associated with these regulations; whether the regulations are contributing to continued vacancies and rendering properties unmarketable; and which aspects of the regulations are, or are not, effective.
- Certificate of Nonconformity processes will be modified to reduce review times.
- The Planning Commission and the Zoning Board of Appeals will be included in decisions to re-establish nonresidential uses.
- Whether or not a property is "actively operating" will be thoroughly assessed.

The legislation proposed herein will amend the Code to allow substantially altered residential structures to be categorized as nonconforming structures which are not subject to abandonment. There are conversions that require such significant structural changes, de-conversion is infeasible. Detailed plans from a licensed professional will be required for this assessment.

Dwelling Unit Conversions This amendment addresses problems associated with reoccupying commercial buildings in residential areas by allowing variances for the conversion of these spaces to residential use.

Lot size requirements. This amendment will standardize, citywide, the requirement for a minimum lot size of 6,000 square feet for the conversion of a structure to create a two-family dwelling, and 9,000 square feet for a multiple-family dwelling.

The amendment process. This change will extend

the process currently in place for Zoning Map and Zoning Text amendments to the process for amending the Official Map and the Comprehensive Plan. It will also extend from 70 to 120 days the period in which City Council must act on the amendments.

Preservation Board. This amendment to the Charter and to Section 120-185 will replace the requirement that one member of the board be a "member of the Greater Rochester Association of Realtors" with "licensed or certified real estate professional."

The City Planning Commission held an informational meeting on these proposed amendments on October 17, 2011. By a vote of 5-0, the Commission recommended approval. The minutes of that meeting will be forwarded upon their completion.

Public hearings are required for the municipal code changes.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-132

Ordinance No. 2011-349
(Int. No. 398)

Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Dwelling Unit Conversions And Nonconforming Uses

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

1. Amend the introductory paragraph to Section 120-166, Dwelling unit conversions, to read in its entirety as follows:

The intent of this section is to establish standards to prevent the overcrowding of dwelling units and to ensure satisfactory amenities as conversions take place. Conversion of existing buildings to increase the number of dwelling units contained in them presents issues surrounding overcrowding, parking, open space and neighborhood character. Dwelling unit conversions that do not meet the standards established in this section may be permitted only upon a showing of unnecessary hardship in accordance with the provisions of § 120-195, unless otherwise prohibited, with the exception that the Zoning Board of Appeals may waive the dwelling unit conversion standards for the proposed conversion of all or a portion nonconforming nonresidential floor area to residential use based on the standards for an area variance.

2. Amend Section 120-166A(3) to read in its entirety as follows:

- (3) Minimum lot area requirements. No building located on a lot having an area of less than 6000 square feet shall be converted to create a two-family dwelling, and no building located on a lot of less than 9000 square feet shall be converted to create a multiple family dwelling.

3. Amend Section 120-208 by adding a new subsection G to the definition of NON-CONFORMING BUILDING OR STRUCTURE:

- G. Is a residential structure in excess of 1500 gross floor area originally designed for a use permitted in a zoning district which has been structurally altered to such an extent that it is impracticable to restore such structure to its built as condition. Evidence of such structural alteration shall be submitted by a licensed professional.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-350
(Int. No. 399)

Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To The Amendment Process

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

1. Amend the title of Section 120-190C and C(1) and (2) to read in their entirety as follows:

- C. Zoning Text, Zoning Map, Official Map or Comprehensive Plan amendment.

- (1) Authority. This chapter, the Zoning District Map, the Official Map and the Comprehensive Plan may be amended from time to time by ordinance duly enacted by the City Council; provided, however, that no such amendment shall be enacted except in accordance with the procedures set out in this section.

- (2) Purpose. The amendment process herein established is intended to provide a means for making changes to the text of this chapter, the Zoning District Map, the Official Map and the Comprehensive Plan that have

more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights of a particular property owner but is intended as a tool to adjust the provisions of this chapter, the Zoning District Map, the Official Map and the Comprehensive Plan in light of changing, newly discovered or newly identified conditions, situations or knowledge.

2. Amend Section 120-190C(4)(c)[1] to read in its entirety as follows:

(c) Action by Planning Commission.

[1] An informational meeting shall be set, advertised and conducted by the Planning Commission. Within 30 days following the conclusion of the informational meeting, the Planning Commission shall—make a recommendation to approve, approve subject to conditions or deny the application. The failure of the Planning Commission to act within thirty (30) days following the conclusion of the informational hearing shall be deemed a recommendation for the approval of the proposed amendment as submitted. The recommendation of the Planning Commission shall be transmitted to the City Clerk for City Council action.

3. Amend Section 120-190C(4)(d)[3] by deleting the number of days “70” where it is contained therein and by inserting in its place “120”.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-351
(Int. No. 400)

Amending Section 120-185 Of The Municipal Code, Preservation Board

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

Section 1. Section 120-185 of the Municipal Code, Preservation Board, as amended, is hereby further amended by amending subsection A(2)(a)[1] thereof to read in its entirety as follows:

[1] One licensed or certified real estate professional.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Law No. 12
(Int. No. 401)

Local Law Amending The City Charter With Respect To The Preservation Board

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

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending Section 12-40, Preservation Board, by deleting the words “there shall be at least one member of the Greater Rochester Association of Realtors” where they are contained in the first undesignated paragraph thereof, and by inserting in their place the words “there shall be at least one licensed or certified real estate professional”.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-352
Re: Lease - Benderson Development Company, Inc., Municipal Lot No. 2, 52 Broadway

Transmitted herewith for your approval is legislation authorizing an agreement with Benderson Development Company, Inc. of Buffalo for the continued lease of Municipal Lot No. 2 located at 52 Broadway. The 57-space lot is owned by the Rochester Urban Renewal Agency; a companion agency item is also being transmitted authorizing the lease. The spaces are currently used by tenants of the HSBC Building.

Benderson Development has leased this property since 1998; this agreement will continue the lease for three years with one three-year extension option upon mutual agreement of the Rochester Urban Renewal Agency and Benderson Development.

The annual lease payment to RURA will be \$23,940, payable monthly at the rate of \$1,995. The previous lease amount was \$2,170 per month, or \$26,040 for 62 spaces. The amount for the new lease was determined by an independent appraisal prepared by Kevin Bruckner, MAI, and takes into account the elimination of five spaces resulting from the construction of the traffic circle on Broadway.

Benderson will be responsible for all expenses associated with operating the lot, including utilities, snowplowing, and all maintenance and repairs.

A public hearing is required on the lease of this Urban Renewal Agency property.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-133

Ordinance No. 2011-352
(Int. No. 403)

Approving The Lease By The Rochester Urban Renewal Agency To Benderson Development Company, Inc. Of 52 Broadway In The Southeast Loop Urban Renewal Project, NYR-175

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Benderson Development Company, Inc. (hereinafter called "Lessee"), for the lease of 52 Broadway in the Southeast Loop Urban Renewal Project, NYR-175, for parking lot use for three years, with one three-year renewal option; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on November 15, 2011, to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Lessee in accordance with its Rules, criteria and procedures as a qualified and eligible sponsor.
2. That the use of said parcel by the Lessee and the terms of the lease of said parcel are satisfactory.
3. That lease of said land by negotiation is the appropriate method of making the land available for use.
4. That the Lessee possesses the qualifications and financial resources necessary to lease the Parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Lessee's Statement for Public Disclosure is satisfactory.
5. That the proposed annual rent of \$23,940 is a satisfactory rent for the lease of the parcel in accordance with the Urban Renewal Plan. The Lessee shall be responsible for the all costs associated with the operation and maintenance of the parking lot, including utilities, snowplowing and repairs. If the lot is needed for economic development purposes, the Agency may terminate the lease upon 90 days written notice.
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.
7. That the lease of said parcel and conditions established for lease are satisfactory; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council will 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 parking for tenants of the HSBC Building.

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 Lessee by the Agency and approves said Lessee as a qualified and eligible sponsor to lease the Parcel.

Section 2. The Council hereby approves the method and lease of said Parcel by the Agency to said Lessee.

Section 3. The Council hereby authorizes the lease of said Parcel by the Agency for the proposed price in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 385 from Committee.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following vote:

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

Nays - None - 0.

Councilmember Palumbo moved to amend Int. No. 385.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following vote:

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

Nays - None - 0.

Introductory No. 385 was introduced October 11,

2011 and appears in its original form with its transmittal letter on page 344 of the current Council Proceedings.

Attachment No. AK-134

Ordinance No. 2011-353
(Int. No. 385, As Amended)

Authorizing Loan Agreements For The Hardy Park Apartments Project

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

Section 1. The Mayor is hereby authorized to enter into loan agreements with Hardy Properties, Inc. whereby the City shall provide loans to partially finance the costs of the construction and reconstruction of housing units as a part of the Hardy Park Apartments Project at 191-209 Jefferson Avenue. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loans in order to conform to legal requirements for tax credits and for the Project.

Section 2. The loan agreements shall obligate the City to pay an amount not to exceed \$[816,000] 835,000, and of said amount, or so much thereof as may be necessary, \$600,000 shall be funded from the Cash Capital allocation from prior years and \$[216,000] 235,000 shall be funded from the City Development Fund. Financing shall be interest free for up to 18 months during the construction term. The Cash Capital funds shall be used for construction and permanent financing in two loans for property renovation. A \$250,000 loan shall be at 3% interest [for a term] amortized over a period of 30 years, with interest-only payments for years 1-10, amortized payments for years 11-15, and a balloon payment of \$222,266 due at the end of year 15. The second loan, not to exceed \$350,000 as needed to complete property renovations, shall have deferred payment for 15 years, with 6.67% forgiven annually. The balance of the loan shall be payable if the property is sold during the term of the loan. The City Development Fund loan in an amount not to exceed \$235,000 shall provide permanent financing at an interest rate of 3% for 15 years, fully amortized, and shall be used to pay off existing debt and property taxes at closing. This loan shall be interest free until issuance of Certificates of Occupancy for all units.

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:

Introductory No. 402
Re: Zoning Map Amendment, 18-20 and
24 Fort Hill Terrace

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 18-20 and 24 Fort Hill Terrace from R-1 Low Density Residential to Collegetown Village District (C-V) to accommodate the construction of a new McDonald's Restaurant. A map of the area proposed for rezoning is attached.

The two properties proposed for rezoning are privately owned and currently in an R-1 Low Density Residential District. One, 18-20 Fort Hill Terrace, is a two-family, non-owner-occupied dwelling; the other, 24 Fort Hill Terrace is a two-family, owner-occupied dwelling. McDonald's intends to purchase the two properties to allow for the construction of a new facility at 1422 Mt. Hope Avenue. Both property owners have consented to this rezoning.

McDonald's will work with the City to redevelop the two parcels to accomplish the following:

- Accommodate and manage the flow of vehicular traffic through the C-V District
- Allow access to the commercial uses located within the C-V District by means of a shared access road and interconnected parking lots
- Provide sufficient parking in the C-V District and to encourage pedestrian access throughout the District

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, October 17, 2011. There were two speakers in support of the proposal. By a vote of 5-0, the Commission recommended approval.

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

A public hearing on the Zoning Map amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 402

CHANGING THE ZONING CLASSIFICATION OF 18-20 AND 24 FORT HILL TERRACE FROM R-1 LOW DENSITY RESIDENTIAL TO C-V COLLEGETOWN VILLAGE

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

Section 1. Chapter 120 of the Municipal Code,

Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 18-20 and 24 Fort Hill Terrace, from R-1 Low Density Residential to C-V Collegetown Village:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 68, 2nd Division, and being more particularly bounded and described as follows:

Beginning at the intersection of the centerline of Fort Hill Terrace (50' ROW) and the southerly extension of the east line of Lot 8 of the Elmwood Tract, as filed in the Monroe County Clerk's Office in Liber 17 of Maps, Page 30, said intersection being the Point or Place of Beginning; thence

- 1) Westerly, along said centerline, a distance of 80.0 feet to the southerly extension of the west line of Lot 6 of said Elmwood Tract; thence
- 2) Northerly, along said extension and the west line of Lot 6, a distance of 125.0 feet to the northwest corner thereof; thence
- 3) Easterly, along the north line of said Lots 6 & 8, a distance of 80.0 feet to the northeast corner of said Lot 8; thence
- 4) Southerly, along the east line of said Lot 8 and its extension, a distance of 125.0 feet to the said centerline of Fort Hill Terrace, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Miller
November 15, 2011

To the Council:

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

Int. No. 404 - Authorizing The Extension Of An Agreement For Environmental Cleanup Of 1200 East Main Street

Int. No. 405 - Authorizing Participation In The Rochester Bicycle Trails Project

Int. No. 406 - Amending The Municipal Code By Adoption Of A Complete Streets Policy

Int. No. 407 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 414 - Authorizing Agreements For

Architectural Services For Building Renovation Projects

Int. No. 415 - Authorizing Participation In The Jefferson Avenue Revitalization Project

Int. No. 416 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[383,000] 129,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Jefferson Avenue Revitalization Project In The City, As Amended

Int. No. 418 - Establishing Maximum Compensation For A Professional Services Agreement For The Cobbs Hill And Highland Reservoir Ultraviolet Disinfection Project

Int. No. 419 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,350,000 Bonds Of Said City To Finance The Cost Of Engineering Services For The Cobbs Hill And Highland Reservoir Ultraviolet Disinfection Project In The City

The following entitled legislation is being held in Committee:

Int. No. 417 - Establishing Maximum Compensation For A Professional Services Agreement For The University Avenue And ARTWalk Extension Improvement Project

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-354
Re: Amendatory Agreement - Bergmann Associates, P.C., Environmental Remediation at 1200 East Main Street

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, P.C., Rochester, for subsurface environmental remediation of the brownfield property located at 1200 East Main Street. This amendment will extend the term of the agreement through March 2013, with an option to renew for one additional year. No additional funds are required since \$163,024 of the original encumbrance remains unspent.

The former retail gasoline station at 1200 East Main Street was acquired by the City through tax foreclosure in February 1998. The City received grants through the New York State Department of Environmental Conservation (NYSDEC) Environmental Restoration Program (ERP) totaling

\$458,024 to investigate and remediate subsurface contamination at the site. Bergmann Associates was retained in October 2007 (Ordinance No. 2007-382) for compensation of \$440,000 for environmental cleanup services.

Several delays have occurred at the State level, including the approval process for the grant contract as well as review of the City's remedial action plan and documents. In February 2010, the City requested the NYSDEC extend the term of the existing State Assistance Contract in order to complete the Remedial Action at the site. The City's request was not approved until December 30, 2010, resulting in a project delay of nearly one year. The project is now underway and the grant contract is approved and executed. However, the current agreement with Bergmann expires on December 31, 2011 with no ability to extend the term.

The remedy phase is anticipated to be completed by spring 2013. Once the cleanup is complete, the City can evaluate redevelopment options for the site. The ERP provides indemnification from the State of New York to the City and all subsequent owners of remediated sites.

Bergmann Associates is recommended to continue with this project given their experience and prior work at the site.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-354
(Int. No. 404)

Authorizing The Extension Of An Agreement For Environmental Cleanup Of 1200 East Main Street

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 between the City and Bergmann Associates for environmental cleanup of 1200 East Main Street through March 31, 2013, with an option for an additional year.

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. 2011-355
Re: City of Rochester Bicycle Trails

Transmitted herewith for your approval is legislation appropriating \$1,846,400 in anticipated reim-

bursements from the Federal Highway Administration to partially finance project scoping, and preliminary and final design and construction, and authorizing the Mayor to enter into any necessary agreements with the New York State Department of Transportation (NYSDOT) to participate in and administer the City of Rochester Bicycle Trails project.

The project is an aggregation of three separate trail projects, each of which the City was awarded funding for. The City and the NYSDOT agreed to consolidate the three projects due to their common goals and purpose, and for design, construction, and administrative cost efficiencies. The three original trail projects are identified in the Capital Improvement Program as Corn Hill, Genesee Riverway, and Neighborhood Connections.

These various trail connections will close gaps in the city-wide trail system; link adjacent neighborhoods to a multitude of employment, business, recreational, historic and cultural destinations; enhance the scenic and recreational resources of the Riverway; and provide important non-motorized travel facilities to neighborhoods containing some of the lowest income and lowest auto-ownership population centers of the region.

The current estimated cost of the project is \$2,365,400, which will be funded from the US Department of Transportation Federal Highway Administration Congestion Mitigation and Air Quality funds and from Department of Environmental Services Cash Capital allocations as follows: \$8,000 from previous years, \$291,000 from 2011-12; and \$220,000 from 2012-13.

Project administration will be performed by the Department of Environmental Services, Bureau of Architecture & Engineering with federal reimbursement for the eligible portion of the work. Subsequent Council action to authorize professional design services will be requested at a later date.

Design of the project will begin in December 2011 with completion in fall 2012. Construction is anticipated in summer 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-135

Ordinance No. 2011-355
(Int. No. 405)

Authorizing Participation In The Rochester Bicycle Trails Project

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

Section 1. The Council hereby approves participation in and administration by the City of the Rochester Bicycle Trails Project.

Section 2. The Mayor is hereby authorized to

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

Section 3. The sum of \$1,846,400 is hereby appropriated from anticipated aid from the Federal Highway Administration to fund the project scoping and design and construction of the Rochester Bicycle Trails 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. 2011-356
Re: Amending the Municipal Code - Complete Streets

Transmitted herewith for your approval is legislation amending Chapter 104 of the Municipal Code (Streets Code) to establish a Complete Streets Policy for the City.

The City's Comprehensive Plan references active transportation measures to enhance accessibility to cultural, recreational, and environmental assets. However, there is no written policy regarding how the City manages or develops its transportation network (i.e., streets, sidewalks, trails, and pathways) to balance the needs and interests of all users. The City recently completed the Rochester Bicycle Master Plan to serve as a guide for public investment in bicycle-supportive facilities and services. A Complete Streets Policy will facilitate implementation of the master plan through the Capital Improvement Program and subsequent capital projects.

In March 2011, Department of Environmental Services, Bureau of Architecture & Engineering staff began work to develop a policy that would mandate the incorporation of active transportation measures into the planning, design, construction, and operation of all future City street projects. The team researched the policies of many mid-size and large cities to determine practices that would best fit the needs of Rochester. Draft components of the policy were reviewed by various agencies including the University of Rochester Center for Community Health, Finger Lakes Health Systems Agency/HealthiKids, and the National Complete Streets Coalition.

The key components of this policy include:

- All City street construction, reconstruction,

rehabilitation, and pavement maintenance projects will incorporate bicycle, pedestrian, and transit facilities, as appropriate

- All bicycle, pedestrian, and transit facilities will meet accepted federal, state, and local standards and guidelines, though innovative and/or non-traditional options will be considered
- Exceptions to the policy are provided in the case of:
 - Insufficient space in the right-of-way
 - Excessive and disproportionate cost
 - Creation of public safety risk
 - Routine maintenance including mowing, sweeping, and spot pavement repairs
 - The prohibition of bicyclists and pedestrians from using the facility

The City Engineer will oversee internal compliance with this policy. City staff will provide recommendations for incorporation of Complete Streets during the planning, design, construction, and maintenance of City street projects. The Traffic Control Board will review all City street projects for consistency with the policy.

An annual report will be submitted to City Council for review.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-356
(Int. No. 406)

Amending The Municipal Code By Adoption Of A Complete Streets Policy

WHEREAS, the City of Rochester recognizes that its transportation network (e.g., streets, sidewalks, trails, and pathways) is intended to balance the needs and interests of all users of all ages and abilities; and

WHEREAS, streets are a key factor in the experience of the public realm and play a crucial role in economic development, public safety and health, and overall quality of life; and

WHEREAS, the design and function of our streets has often favored the motorist over other users, notably bicyclists, pedestrians, transit users, and persons with disabilities; and

WHEREAS, Active Transportation seeks to better integrate physical activity into our daily lives through increased emphasis on walking, bicycling, and public transportation; and

WHEREAS, Active Transportation improves public health, reduces traffic congestion, enhances air quality, and supports local economic development; and

WHEREAS, the City of Rochester recently completed the Rochester Bicycle Master Plan

which serves as a guide for public investment in bicycle-supportive facilities and services; and

WHEREAS, the City of Rochester seeks to create an interconnected network of transportation facilities which accommodate all modes of travel in a manner that is consistent with neighborhood context and supportive of community goals; and

WHEREAS, Complete Streets are defined as streets that are planned, designed, operated, and maintained to enable safe access for all users and upon which pedestrians, bicyclists, transit users, persons with disabilities, and motorists of all ages and abilities are able to safely move along and across; and

WHEREAS, the City of Rochester seeks to establish a Complete Streets policy to incorporate Active Transportation into the planning, design, and operation of all future City street projects whether new construction, reconstruction, rehabilitation, or pavement maintenance (i.e., mill & resurface, micropave, and overlay treatments); and

WHEREAS, it is further recognized that certain streets may not be feasible, whether physically or financially, for Complete Streets accommodation.

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

Section 1. There is hereby added to the Municipal Code the following new Section 104-29:

Section 104-29. Complete Streets Policy.

- A. Purpose. The City seeks to create an interconnected network of transportation facilities which accommodate all modes of travel in a manner that is consistent with neighborhood context and supportive of community goals by establishing a Complete Streets Policy to incorporate active transportation into the planning, design, and operation of all future City street projects, whether new construction, reconstruction, rehabilitation, or pavement maintenance. Active transportation attempts to better integrate physical activity into our daily lives through increased emphasis on walking, bicycling, and public transportation. Active transportation improves public health, reduces traffic congestion, enhances air quality, and supports local economic development. Complete streets are streets that are planned, designed, operated, and maintained to enable safe access for all users, and upon which pedestrians, bicyclists, transit users, persons with disabilities, and motorists of all ages and abilities are able to safely move along and across.
- B. The City Engineer shall include bicycle, pedestrian and transit facilities in all street construction, reconstruction, rehabilitation and pavement maintenance projects conducted by or on behalf of the City, as appropriate, subject to the exceptions contained

herein.

- C. The City shall plan, design, build and maintain all bicycle, pedestrian, and transit facilities in accordance with accepted federal, state and local standards and guidelines, but will consider innovative and/or non-traditional design options, as appropriate.
- D. The incorporation of bicycle, pedestrian, and transit facilities shall be mandated in all street construction, reconstruction, rehabilitation and pavement maintenance projects undertaken by or on behalf of the City, except under one or more of the following conditions:
 - (1) The City Engineer determines there is insufficient space within the right-of-way to safely accommodate such new facilities.
 - (2) The City Engineer determines that establishing such new facilities would require an excessive and disproportionate cost.
 - (3) The City Engineer determines that inclusion of such new facilities would create a public safety risk for users of the public right-of-way.
 - (4) The project is limited to routine or seasonal maintenance activities such as mowing, sweeping, or spot pavement repairs, including chip and seal and crack seal activities.
 - (5) Bicyclists and pedestrians are prohibited by law from using the facility.
- E. The Traffic Control Board shall review all street construction, reconstruction, rehabilitation and pavement maintenance projects for consistency with this Policy.
- F. The City Council shall receive an annual report from the City Engineer on the City's consistency with this Policy with respect to all street construction, reconstruction, rehabilitation and pavement maintenance projects under design or construction by or on behalf of the City.
- G. Planning studies and/or engineering reports for street projects prepared by or on behalf of the City shall include documentation of compliance with this Policy.

Section 2. This ordinance shall take effect on December 1, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-357
Re: Amendatory Agreement - East Broad,

Chestnut, and Court Streets Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Clark Patterson Lee for additional engineering planning and design services for the East Broad Street/Chestnut Street/Court Street Improvement Project. The original agreement was authorized in October 2007 (Ord. No. 2007-387) for \$400,000 with Dewberry-Goodkind, which was acquired by Clark Patterson Lee in 2010. Amendatory agreements were authorized in August 2010 (Ord. No. 2010-304), increasing compensation to \$475,000, and in November 16, 2010 (Ord. No. 2010-396), increasing compensation to \$495,000. This current amendment will increase maximum compensation by \$16,300 to a total of \$511,300. The cost of the agreement will be financed from prior years Cash Capital allocations of the Department of Environmental Services.

The project includes: the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains as required; and tree planting.

Clark Patterson Lee requested additional services in spring 2011. The negotiated fee allowed for a greater number of special specifications, additional survey and ROW mapping, and the following design services:

Project management. This project was held up for several months while the Genesee Transportation Council and Monroe County Department of Transportation developed a single traffic model for all proposed downtown development plans, which will now be used by each development team.

Incorporation of Manhattan Square Park improvements. Additional design and coordination was needed to incorporate drainage improvements along park building structures, and structural repair work to the park's tunnel into the Street project plans.

Design of liquid glycol snow melting system at HSBC ramps. As part of the roundabout design, the ramps to the underground garage at HSBC needed to be realigned. Their snow melting system will need to be partially replaced, and required additional design and coordination.

Additional coordination with stakeholders. More than the usual number of meetings were required. Some, due to the extended project duration, were additional meetings to update utilities and property owners. Other meetings for coordination and informing utilities and property owners were a result of the Midtown Development project, which was announced after design of the Street project began.

Design for the addition of shared use lanes. After preliminary design was complete, the consultant was asked to convert travel lanes to

shared-use lanes, which required additional design hours.

Construction is currently underway and should be substantially complete by summer 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-136

Ordinance No. 2011-357
(Int. No. 407)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

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

Section 1. The sum of \$16,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Clark Patterson Lee for engineering planning and design services for the East Broad Street/Chestnut Street/Court Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-358
Re: Term Agreements - Architectural Services

Transmitted herewith for your approval is legislation authorizing agreements with the following firms for architectural services related to City building renovation projects:

<u>Company</u>	<u>Address</u>
Architectura, P.C.	Carnegie Place, 247 North Goodman Street, 14607
ArchStetics Architecture, P.C.*	72 Cascade Drive, 14614
Konopka Architecture, P.C.	1501 East Avenue, Suite 1, 14610
RAM Architects	91 Pinnacle Road, Rochester 14620
Pardi Partnership Architects, P.C.	25 Circle Street #101, 14607
SEI Design Group	224 Mill Street, 14614

* formerly CMA Architecture

The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services or from capital funds appropriated for specific projects. Similar agreements for architectural services have been in place since 2005. These services include: building condition surveys of existing facilities as requested by the City, various phases of project design, cost estimating and evaluation of project feasibility, preparing contract documents, and providing construction administration services during project construction.

The value of services is limited to an approximate range of \$30,000 per project. For Capital projects where the projected fees would exceed this amount, or where multiple disciplines are required, the City would initiate a separate consultant procurement process and specific project agreement.

In September 2011, the Department of Environmental Services solicited proposals from 21 firms and also posted a request for proposals on the City's website. Proposals were received from 20 firms: Architectura, P.C., ArchStetics Architecture, P.C., Chait Studios, Clark Patterson Lee, Edge Architecture PLLC, Konopka Architecture, P.C., LaBella Associates P.C., LoMonaco Associates Architects, MRA Architecture, MRB Group Engineering Architecture & Surveying P.C., Passero Associates, PLAN Architectural Studio, RAM Architects, Razak Associates LLC, Pardi Partnership Architects, P.C., SEI Design Group, SWBR Architects and Engineers, P.C., and T.Y. Lin International. Proposals were reviewed and evaluated by seven staff architects from the Department of Environmental Services, Bureau of Architecture and Engineering. The six recommended firms are based on the variety and availability of services provided, cost for services, qualifications and past experience.

Services will be provided at specified unit prices. The selection of a consultant for a specific project will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of three years.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-358
(Int. No. 414)

Authorizing Agreements For Architectural Services For Building Renovation Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for architectural services required for building renovation projects as required by the City for a term of three years:

Organization
Address

- Architectura P.C.
247 North Goodman Street, 14607
- ArchStetics Architecture, P.C.
72 Cascade Drive, 14614
- Konopka Architecture, P.C.
1501 East Avenue, Suite 1, 14610
- RAM Architects
91 Pinnacle Road, Rochester 14620
- Pardi Partnership Architects, P.C.
25 Circle Street #101, 14607
- SEI Design Group
224 Mill Street, 14614

Section 2. The agreements shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget or from project appropriations. Unit prices may be adjusted by the City Engineer upon justification by the company.

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. 2011-359 and
Ordinance No. 2011-360

Re: Jefferson Avenue Revitalization Project
(S. Plymouth Avenue to W. Main Street)

Transmitted herewith for your approval is legislation related to the Jefferson Avenue Revitalization Project, a Locally Administered Federal Aid project within the City of Rochester. The legislation will:

1. Authorize the Mayor to enter into any necessary agreements with the New York State Department of Transportation to participate in and administer the project;
2. Authorize the issuance of bonds totaling \$383,000 and the appropriation of the proceeds thereof to finance a portion of project costs for the street improvements;
3. Appropriate \$1,239,000 from anticipated reimbursements from the Federal Highway Administration, which will be used to finance the federal share of the Federal Aid eligible portions of the project;
4. Appropriate \$56,063 from anticipated federal aid reimbursements, which will be used to finance the state share of the Federal Preventative Pavement Maintenance Aid eligible portion of the project; and
5. Establish \$260,000 as maximum compensation for a professional services agreement

with Stantec Consulting Services, Inc., Rochester, for Resident Project Representation (RPR) services for the Jefferson Avenue Revitalization Project. The cost of the agreement will be funded from prior years' Department of Environmental Services Cash Capital allocations.

The Jefferson Avenue (S. Plymouth Avenue to W. Main Street) Revitalization Project will include pavement resurfacing, reconfiguration of the roadway and intersection improvements, drainage, curb, traffic signal upgrades, signage, sidewalk, ADA compliant accessible ramps, decorative street lighting, streetscaping, landscaping, gateway and other improvements.

Congresswoman Louise Slaughter secured \$940,000 in federal aid for Jefferson Avenue improvements. In addition, \$299,000 in federal aid is secured for preventative pavement maintenance.

This project was designed by Fisher Associates, as authorized by City Council in July 2009 (Ord. No. 2009-245). A legislative summary of the project is attached.

The New York State Department of Transportation has requested the City to administer the project; authorization is required at this time to substantiate the City's commitment to the project.

Bids for construction were received on October 25, 2011. Four bids were received with the apparent low bid submitted by Sealand Contractors in an amount bid of \$1,614,305.94, which is 16% less than the engineer's estimate. An additional \$365,973 will be allocated for project contingencies and street lighting improvements.

The project costs for the work based upon the bid amount are as follows:

<u>Funding Sources</u>	<u>Construction</u>	<u>RPR</u>	<u>Total</u>
	<u>Contingency</u>		
Federal Aid	\$1,239,000	\$ -	\$1,239,000
State Aid	56,063	-	56,063
Focused Investment (City)	240,900	20,200	261,100
City Transportation Cash	77,848	239,800	317,648
City Transportation Bonds	307,007	-	307,007
	<u>75,993</u>	<u>383,000</u>	<u>459,000</u>
Total	\$1,920,818	\$260,000	\$2,180,818
	\$365,973	\$2,546,791	

NYS DOT has established a pre-approved list of regional engineering firms, evaluated and recommended by federal, state and local staffs, from which project sponsors may obtain engineering

services for Federal Aid transportation projects. The City reviewed the statements of qualifications from the fourteen firms on the current list. Stantec Consulting Services, Inc. was selected to provide RPR services for this project based on their familiarity with the project, capabilities and availability of their staff.

Public meetings regarding the Jefferson Avenue Revitalization Project were held on November 30, 2009, March 24, 2010, and September 27, 2010. Copies of the meeting minutes are on file with the City Clerk's Office.

This phase of the project results in the creation/retention of the equivalent of 17.5 full-time jobs. Construction of the project will begin in spring 2012 and is anticipated to be completed in fall 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-137

Ordinance No. 2011-359
(Int. No. 415)

Authorizing Participation In The Jefferson Avenue Revitalization Project

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

Section 1. The Council hereby approves participation in and administration by the City of the Jefferson Avenue Revitalization Project (South Plymouth Avenue to West Main Street).

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

Section 3. The sum of \$1,239,000 is hereby appropriated from anticipated aid from the Federal Highway Administration to fund the Jefferson Avenue Revitalization Project.

Section 4. The sum of \$56,063 is hereby appropriated from anticipated aid from the State of New York to fund the Jefferson Avenue Revitalization Project.

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

Section 6. The sum of \$260,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project repre-

sentation services for the Jefferson Avenue Revitalization Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-360
(Int. No. 416, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[383,000] 129,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Jefferson Avenue Revitalization Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Jefferson Avenue Revitalization Project (South Plymouth Avenue to West Main Street) in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$[2,546,791] 2,242,763. The plan of financing includes the issuance of \$[383,000] 129,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,239,000 appropriated from anticipated reimbursements from the Federal Highway Administration, \$56,063 appropriated from anticipated reimbursements from the State of New York and \$[868,728] 818,700 from current City funds, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$[383,000] 129,000 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-361 and
Ordinance No. 2011-362
Re: Agreement - Malcolm Pirnie, Inc., Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Project

Transmitted herewith for your approval is legislation establishing \$1,350,000 as maximum compensation for an agreement with Malcolm Pirnie, The Water Division of ARCADIS, for engineering design and construction administration services for the installation of ultraviolet disinfection (UV) treatment at the Cobbs Hill and Highland Reservoirs, and authorizing the issuance of bonds to finance the cost of the agreement.

The project is the third and final phase of work that began in 2009 to bring the City's reservoirs into compliance with the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (LT2) for uncovered finished drinking water reservoirs. The first two phases provided design and installation of a liner for the Highland Reservoir, and a liner and floating cover for Rush Reservoir.

Phase three includes the installation of UV treatment in the discharge lines to treat the water before it enters the water distribution system at both Cobbs Hill and Highland Reservoirs. This phase was included in the 2011-12 Capital Improvement Program. Completion of all three phases of the LT2 project is expected by 2015.

Malcolm Pirnie, Inc. will provide engineering services to develop construction drawings and specifications for installation of UV treatment and other related improvements to Cobbs Hill and Highland Reservoirs. They will also provide engineering services for the construction phase, and resident project representation services.

Nine firms were directly solicited for proposals for this work. Four firms responded: O'Brien & Gere Engineers, Rochester, NY; HDR Engineers, Mahwah, NJ; Malcolm Pirnie, Rochester, NY and CDM/CHA Joint Venture, Rochester, NY. Proposals were reviewed and evaluated by Water Bureau staff, and based on the design team's qualifications and experience with ultraviolet disinfection treatment, Malcolm Pirnie is recommended.

This phase of the project results in the creation/retention of the equivalent of 14 full-time jobs.

Preliminary design will begin this winter; final design is expected to be completed by fall 2012 with construction beginning in winter 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-361
(Int. No. 418)

Establishing Maximum Compensation For A Professional Services Agreement For The Cobbs Hill And Highland Reservoir Ultraviolet Disinfection Project

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

Section 1. The sum of \$1,350,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Malcolm Pirnie, The Water Division of ARCADIS, for engineering design and construction administration services for the Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-362
(Int. No. 419)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,350,000 Bonds Of Said City To Finance The Cost Of Engineering Services For The Cobbs Hill And Highland Reservoir Ultraviolet Disinfection 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 for the Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Project, which includes the installation of ultraviolet treatment and related improvements at the Cobbs Hill and Highland Reservoirs 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 \$1,350,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,350,000 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 \$1,350,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,350,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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.

Councilmember Miller moved to discharge Int. No. 417 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

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

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-363
Re: Agreement - Young Audiences-Arts
For Learning-Rochester, University
Avenue and ARTWalk Extension
Improvement Project

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Young Audiences-Arts for Learning-Rochester (YA of R), 277 North Goodman Street, Rochester 14607, for the administration of the Mosaic Light Pole Call for Art as a component of the University Avenue and ARTWalk Extension Improvement Project. The cost of the agreement will be financed from American Recovery and Reinvestment Act funds appropriated through Ordinance No. 2009-156.

YA of R will execute two separate requests for proposal: one for teaching artist selection and one for site selection. YA of R will also handle the ongoing management and administration of the artists and sites, including the post selection process. YA of R will facilitate the integration of the mosaic arts

experience with the existing educational experience through scheduled residencies with selected sites. YA of R will ensure that New York State Arts Learning Standards are provided, as well.

YA of R offices are located in the Neighborhood of the Arts, and was selected because of their familiarity with this project and their qualifications. YA of R's organizational mission is fully aligned with the goals of this project. They provide comprehensive arts-in-education programming and services, and through this agreement will bring children and youth together with a professional artist to learn, create and participate in the arts.

The administration of the Mosaic Light Pole art will begin in fall 2011, with scheduled completion in spring 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-363
(Int. No. 417)

Establishing Maximum Compensation For A Professional Services Agreement For The University Avenue And ARTWalk Extension Improvement Project

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Audiences-Arts for Learning-Rochester for the administration of the Mosaic Light Pole Call for Art as a component of the University Avenue and ARTWalk Extension Improvement Project. Said amount shall be funded from anticipated reimbursements from the Federal Government under the American Recovery and Reinvestment Act appropriated in Section 2 of Ordinance No. 2009-156.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
November 15, 2011

To the Council:

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

Int. No. 409 - Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2011-12 Budget

Int. No. 410 - Standardization Of The PODSS® Video Recording And Access Card System

Int. No. 411 - Authorizing An Agreement For

The Tobacco Sales Enforcement Program And Amending The 2011-12 Budget

Int. No. 412 - Authorizing A Lease Agreement For Materials Storage

Int. No. 413 - Authorizing An Amendatory Agreement For Homeland Security Funding And Amending The 2011-12 Budget

The following entitled legislation is being held in Committee:

Int. No. 408 - Authorizing An Agreement For The Southwest Youth Organizing Project

Respectfully submitted,
Adam C. McFadden
Matt Haag (Abstained on Int. No. 409)
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-364
Re: Agreements - Comprehensive Adolescent Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Health for the receipt and use of the \$546,036 Comprehensive Adolescent Pregnancy Prevention Grant (CAPP) grant for January - December 2012 pregnancy prevention programs. This legislation will also:

1. Amend the 2011-12 operating budget of the Department of Recreation and Youth Services, as follows:
 - Transfer \$51,400 from the 2010-11 Budget and reappropriate it for support of the 2012 CAPP program. This amount, originally authorized in Ordinance No. 2010-444, was reappropriated to the 2010-11 Budget, but was not used for the 2011 program, and will be used to support staff costs.
 - Include \$140,000 of the grant to cover administrative costs for January - June 2012 associated with the City's role as lead agency, including the payroll and fringe benefits for the full-time Project Coordinator, one full-time Health Educator, .5 FTE Clerk III and one new full-time Health Educator/Bilingual.
2. Establish maximum compensation, to be funded from the grant, for agreements with the following agencies to provide related services during 2012:

Highland Family Planning	\$ 45,772
Baden Street Settlement/Metro	
Council for Teen Potential	60,709
Puerto Rican Youth Development	42,109
YWCA of Rochester and Monroe	
County	50,559
Society for the Protection and Care	
of Children	54,461
Family Resource Center	<u>12,574</u>
Total	\$266,184

The remaining funds, \$140,000, will be included in the proposed 2012-13 Budget to cover the City's administrative costs for July - December 2012.

The objective of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas of the city. The primary goals of the program are to:

- Implement evidence-based programs in Rochester City School District middle and high schools
- Reduce adolescent pregnancy rates in the city
- Improve high school graduation rates in the city

The program will serve a total of 690 unduplicated youth and 140 parents each year.

This will be the second year of the five-year award. The most recent agreements for these services were approved in December 2010 (Ord. No. 2010-444). A project description is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-138

Ordinance No. 2011-364
(Int. No. 409)

Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2011-12 Budget

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

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

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

<u>Organization</u>	<u>Amount</u>
U. of R. Medical Center/Highland	
Family Planning	\$ 45,772
Baden Street Settlement/Metro	
Council for Youth Potential	60,709
Puerto Rican Youth Development	42,109
YWCA of Rochester and Monroe	
County	50,559
Society for the Protection and	
Care of Children	54,461
Family Resource Center	<u>12,574</u>
	\$266,184

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 \$266,184, 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. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$51,400, which amount is hereby reappropriated from funds received from the New York State Department of Health for the operation of the Comprehensive Adolescent Pregnancy Prevention Program.

Section 6. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$140,000, which amount is hereby appropriated from funds to be received from the New York State Department of Health under the agreement authorized herein for the operation of the Comprehensive Adolescent Pregnancy Prevention Program.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Conklin - 1.

Councilmembers Haag and Scott abstained.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-365
Re: Standardization of Surveillance Equipment

Transmitted herewith for your approval is legislation to broaden the scope of allowable equipment under the standardization of overt video surveillance equipment purchases approved in Ordinance No. 2008-75. The original legislation authorized the standardization of the PODDS® camera system. This new legislation will incorporate standardization of all video camera and access card systems, and upgrades to the interview room used by the Police Department for homicide investigations. The total cost of these purchases will be approximately \$36,000, to be funded from previous years' Cash Capital.

The PODSS® video network technology is the support system for the video surveillance cameras deployed in high crime areas, and was the basis for the standardization of the PODSS® camera systems. The support system currently provides the infrastructure for cameras installed in the Public Safety Building and supports the Public Safety Building's key-card security access system. This system has the capability of supporting video and access systems for other City facilities, including City Hall, Mt. Read Fleet Facility, libraries, and the Terminal Building at the Port of Rochester.

The integration of video and key-card security systems will result in significant enhancements to efficiency and effectiveness of these systems. Also, integration of these systems will enable monitoring and recording at all City facilities from a variety of locations, including the Public Safety Building Camera Room. This will enhance crime prevention as well as responses to incidents occurring at these locations. Standardization will ensure that the full capability of the support system can be utilized to enhance security at City facilities, and thereby the safety of both employees and the public.

This legislation will also allow upgrades to the interview room video recording system used for homicide investigations. The current system is failing; purchase of PODDS® equipment will enable integration with the existing PODDS® system.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-139

Ordinance No. 2011-365
(Int. No. 410)

Standardization Of The PODSS® Video Recording And Access Card System

WHEREAS, by Ordinance No. 2008-75 the Council approved the standardization of the PODSS® camera system manufactured by Avrio RMS Group (formerly RMS Technology Solutions) in all purchases of video surveillance cameras for deployment in high crime areas in the City; and

WHEREAS, the City wishes to extend said standardization to include the purchase of all video recording and access card systems for use on the

PODSS® video network support system.

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

Section 1. Based on information submitted by the Mayor and Rochester Police Department and the standardization approved in Ordinance No. 2008-75, the Council finds the PODSS® video network support system manufactured by Avrio RMS Group has the capability of supporting video recording and access systems throughout City facilities. The support system currently provides the infrastructure for cameras installed in the Public Safety Building and supports the Public Safety Building's key-card security access system. This system has the capability of supporting video recording and access systems throughout all City facilities, including but not limited to City Hall, the Mt. Read Facility, libraries, and the Port of Rochester. The integration of video and key-card security systems will result in significant enhancements to safety and to the efficiency and effectiveness of these systems. Integration of these systems will enable monitoring and recording at all City facilities from a variety of locations, including the Public Safety Building Camera Room. This will enhance crime prevention as well as response to any incidents occurring at these locations. Standardization will ensure that the full capability of the support system can be utilized to enhance citywide facility security, and safety to both City employees and members of the general public. The Police Department's interview room video recording system, which is used to record homicide interrogations, can also be most efficiently and reliably supported by this system.

Section 2. For reasons of safety, efficiency, economy and performance, the Council hereby standardizes upon and directs the purchase for all City facilities of video recording and access card systems which are supported by the PODSS® video network support system manufactured by Avrio RMS Group.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-366
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 \$20,000 for the Tobacco Sales Enforcement Program, and amending the 2011-12 Budget of the Police Department by \$20,000 to reflect these funds. The Monroe County Department of Health will reimburse costs, up to \$20,000, for compliance checks during the period October 1, 2011 through March 31, 2012. No matching funds are required.

The most recent similar agreement was authorized

in October 2010 (Ord. No. 2010-372) for \$36,000 for the twelve-month period ending September 30, 2011. This agreement will be for a term of six months, at which point a new annual agreement will be submitted for authorization. This will allow administration of the grant to coincide with the State of New York's fiscal year.

This agreement will continue the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the city. These inspections measure compliance with the age restrictions on tobacco sales, by using underage "agents" who attempt to buy tobacco products. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

During the previous agreement, 454 tobacco compliance checks were carried out. RPD officers will be expected to do 250 tobacco compliance checks during this six-month period.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-366
(Int. No. 411)

Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for the Tobacco Sales Enforcement Program.

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

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$20,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-367
Re: Lease Agreement for Materials Storage

Transmitted herewith for your approval is legislation authorizing a lease agreement for materials storage space for the Rochester Police Department. This agreement will be for one year, with the option of two one-year renewals. The City will pay \$220 monthly rent (\$2,640 annually), which will be funded from the 2011-12 and subsequent annual Budgets of the Police Department.

The RPD bomb squad leases approximately 3.6 acres of land and two explosive storage magazines at an ATF approved site that meets all federal and state regulations for explosives storage. The current lease, authorized by City Council Ordinance No. 2006-364, in November 2006, will expire on November 30, 2011. The fee for the proposed lease remains unchanged from the current agreement.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-367
(Int. No. 412)

Authorizing A Lease Agreement For Materials Storage

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

Section 1. The Mayor is hereby authorized to enter into the extension of a lease agreement for the storage of materials by the Rochester Police Department for a term of one year, with two one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$2,640 annually in rent, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 and subsequent budgets of the Rochester Police Department, contingent upon adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-368
Re: Amendatory Agreement - Monroe County Homeland Security Funds

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County for the receipt and use of City's share of 2011 Homeland Security funds and amending the Rochester Fire Department 2011-12 Cash Capital allocation by \$181,400 to reflect these funds. The original agreement with the County for these pass-through funds was authorized in 2005

(Ordinance No. 2005-138).

Through this agreement, the County provides the City a portion of the Law Enforcement Terrorism Prevention Program (LETPP) and the State Homeland Security Program (SHSP) funding it receives from the U.S. Department of Homeland Security. No matching funds are required.

The 2011 allocation will be used to purchase a vehicle that will be specially equipped for transporting water rescue equipment, including a rescue boat. It will also be outfitted with some CBRNE (chemical, biological, radiological, nuclear, and explosives) features. This purchase will replace the vehicle currently in use that is over twenty years old.

The funds will also purchase personal protection gear for firefighters staffing the vehicle.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-368
(Int. No. 413)

Authorizing An Amendatory Agreement For Homeland Security Funding And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe for Homeland Security funding for a vehicle and personal protective equipment for the Rochester Fire Department.

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

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$181,400, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund a vehicle and personal protective equipment for the Rochester Fire Department.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 408 from Committee.

The motion was seconded by Councilmember Haag

The motion was adopted by the following vote:

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

Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-369
Re: Agreement, Center for Teen Empowerment, Southwest Youth Organizing Project

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with the Center for Teen Empowerment for the Southwest Youth Organizing Project. The cost of this agreement will be funded from the General Community Needs allocation of the 2011-2012 Community Development Block Grant.

The Center for Teen Empowerment will hire twelve youth from the southwest area of the city to implement youth initiatives, activities, and events for youth to improve the community in the southwest area of the city. This is the second year of funding.

Project descriptions and budgets are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-140

Ordinance No. 2011-369
(Int. No. 408)

Authorizing An Agreement For The Southwest Youth Organizing 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 Center for Teen Empowerment for the Southwest Youth Organizing Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Responding to General Community Needs Objective, Southwest Youth Organizing Project allocation of the 2011-12 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:41 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
DECEMBER 13, 2011

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:
Police Department
*Paul F. Denk
*Glenn E. Weather
**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular
Meeting of November 15, 2011 be approved as
published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFIC-
ERS 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 4064-11
Public Disclosure - CDBG Participation (2)
4065-11, 4066-11
Public Disclosure - HOME Participation
4067-11

PRESENTATION AND REFERENCE OF PETI-
TIONS AND OTHER COMMUNICATIONS.

None presented.

PUBLIC HEARINGS.

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

Authorizing The Sale Of A Portion Of 245 East
Main Street And Additional Rights To Said Parcel
To Further The Midtown Urban Renewal Plan And
Authorizing Easements Int. No. 457 No
speakers.

Approving Changes In The Pavement Width Of

Newbury Street And Westmount Street Int. No.
446 No speakers.

Changing The Traffic Flow On Comfort Street
From Two-Way To One-Way Westbound Int.
No. 447 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Conklin
December 13, 2011

To the Council:

The Finance Committee recommends for adoption
the following entitled legislation:

Int. No. 422 - Authorizing The Director Of
Finance To Cancel Real Property Taxes Or Charges
Of \$1,000 Or Less

Int. No. 423 - Resolution Reappointing Marriage
Officers

Int. No. 424 - Authorizing An Agreement For
The Operation Of The South Avenue Garage

Int. No. 425 - Establishing Maximum Compen-
sation For An Agreement For The 2012 Rochester
MusicFest

Int. No. 426 - Establishing Maximum Compen-
sation For An Agreement For The 2012 Rochester
Flower City Challenge

Int. No. 427 - Establishing Maximum Compen-
sation For An Agreement For The 2012 Xerox
Rochester International Jazz Festival

Int. No. 428 - Establishing Maximum Compen-
sation For A Professional Services Agreement For
The "Party In The Park" Concerts

Int. No. 429 - Establishing Maximum Compen-
sation For A Professional Services Agreement For
The Drug And Alcohol Testing Program

Int. No. 430 - Establishing Maximum Compen-
sation For A Professional Services Agreement For
The Employee Assistance Program

Int. No. 431 - Establishing Maximum Compen-
sation For A Professional Services Agreement For
Dental Insurance

Int. No. 432 - Resolution Approving Standard
Work Day For The Mayor For Retirement Purposes

Int. No. 434 - Authorizing Extension Of A Pro-
fessional Services Agreement For Computer Train-
ing

Int. No. 451 - Amending The 2011-12 Budget,
As Amended

Int. No. 452 - Amending The 2011-12 Budget
For The Midtown Plaza Site Costs, As Amended

Int. No. 453 - Approving A Library Grant And Amending The 2011-12 Budget

Int. No. 466 - Authorizing A Lease Agreement For The Rochester Museum And Science Center

Int. No. 467 - Resolution Approving Appointments To The Board Of Assessment Review

Int. No. 468 - Appropriation Of Funds - Insurance Reserve Fund

The following entitled legislation is being held in Committee:

Int. No. 465 - Authorizing the Bulk Sale Of Delinquent Tax Liens

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul (Did not vote on Int. Nos. 422 & 423)

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-370
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 2012.

Each year, approximately 63,000 tax bills are issued by the City. In 2010-11 these bills contained City and School taxes, charges, and fees totaling \$201,211,221.87.

Of this amount, taxes and charges totaling \$1,709,895.58, or 0.85%, of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 759 accounts or 1.20% of the total number.

Pursuant to Section 556 of the NYS Real Property Tax Law, the City Council is required to approve all cancellations. However, Chapter 383 of the Laws of 1984 allows Council to 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. While Chapter 515 of the Laws of 1997 (NYS) allows up to a maximum of \$2,500 to be canceled administratively, City Council has authorized \$1,000 as the maximum. 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.

This authorization is required annually, and was

most recently approved in December 2010. To date, for calendar year 2011, the Director of Finance has authorized cancellations totaling \$49,907.61 for 436 accounts.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the 15th day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-370
(Int. No. 422)

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 2012.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-22
Re: Reappointment of Marriage Officers

Transmitted herewith for your approval is legislation reappointing Daniel B. Karin, the City Clerk, and Hazel L. Washington, the Deputy City Clerk, as Marriage Officers.

The New York State Domestic Relations Law 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 wedding. Mr. Karin's and Ms. Washington's terms expire on January 15, 2012; it is anticipated that Mr. Karin will be reappointed as City Clerk at the January 3, 2012 Organization Meeting.

The position of Marriage Officer was created in Rochester in September 1995; the City Clerk and Deputy City Clerk have been appointed to serve as Marriage Officers since that time. The fee of \$50.00 charged for providing the service becomes part of the revenue of the City Clerk's licensing account. Approximately 500 ceremonies are performed by the Clerk's Office each year.

Respectfully submitted,
Lovely A. Warren Carolee A. Conklin
President Chair, Finance Committee

Resolution No. 2011-22
(Int. No. 423)

Resolution Reappointing Marriage Officers

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

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby reappoints City Clerk Daniel B. Karin and Deputy City Clerk Hazel L. Washington as Marriage Officers for additional terms of four years through January 15, 2016, provided that they remain employed in the City Clerk's Office.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-371
Re: Agreement - Rochester Convention
Center Management Corporation

Transmitted herewith for your approval is legislation authorizing a two-year agreement with the Rochester Convention Center Management Corporation to manage parking at the South Avenue Garage, and establishing a monthly payment to the City Parking Enterprise Fund of 15% Gross Revenue from the garage.

The Convention Center Management Corporation will be responsible for all expenses related to the operation of the garage, including, but not limited to: security, customer service, utilities, cleaning, and repairs, which are limited to \$5,000. Repairs in excess of \$5,000 must first be approved in writing by City staff.

The South Avenue Garage provides essential parking resources for the Convention Center and Hyatt Hotel. The parking management relationship, established with the Convention Center after the

helix collapse and during renovation, is no longer adequate. This new agreement establishes the current rights and responsibilities of all parties.

The estimated annual revenue to the Parking Enterprise Fund from this agreement is \$200,000. The garage revenues in the past several years have been less than this amount, due to the reduced number of available spaces caused by the helix collapse. This past year's revenue, which is in escrow pending execution of this agreement, is \$209,000.

The term of this agreement will extend from July 1, 2011 to June 30, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-141

Ordinance No. 2011-371
(Int. No. 424)

Authorizing An Agreement For The Operation Of The South Avenue Garage

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with the Rochester Convention Center Management Corporation for the operation of the South Avenue Garage for a term of two years, commencing on July 1, 2011. The Rochester Convention Center Management Corporation shall be responsible for all operating expenses relating to the Garage.

Section 2. The agreement shall obligate the Rochester Convention Center Management Corporation to pay monthly to the City 15% of the gross revenue from the Garage.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-372
Re: Agreement - Team E. Foundation,
Inc., Rochester MusicFest

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensation for an agreement with Team E. Foundation, Inc. (principal: Eddie Hammonds III), Rochester, for booking national and regional artists and production for the 2012 Rochester MusicFest. The cost of this agreement will be financed from the 2011-12 (\$150,000) and 2012-13 (\$25,000) Budgets of the Bureau of Communications, contingent

upon approval of the latter.

Team E. Foundation, Inc. is a local not-for-profit organization whose primary mission is to provide college scholarships to high school seniors who have overcome adverse situations and have demonstrated a commitment to excel in scholastic pursuits. Eddie Hammonds has promoted shows and events in Rochester over the past ten years.

This year will mark a transition for the Rochester MusicFest. Communications staff are working with City Council and community members to create a new identity for the event. For this year, with a limited budget, it is anticipated that the emphasis will be on obtaining affordable talent with a regional draw in a concert venue. The concerts will be a component of a weekend of family activities that will include a basketball tournament and a community picnic. No revenue component is planned.

MusicFest 2012 will consist of two concerts targeting a younger demographic with ticket prices in the \$20-\$60 range, and a free (or very low-cost) concert for a more mature audience. The July dates for these concerts will be determined based on availability of the Blue Cross Arena and the Auditorium Theater.

Team E. Foundation, Inc. will provide talent booking, site management, marketing, sponsorship solicitation, ticket sales, and administration. The City will provide some in-kind services such as traffic control as needed.

The 2011 Rochester MusicFest was funded at \$175,000 over two days with total attendance estimated at 3,300. The Saturday event at Brown Square Park drew 2,500 in spite of temperatures in the mid 90s, and 800 people attended the Sunday event at the Riverside Convention Center. There was no revenue component to the City.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-372
(Int. No. 425)

Establishing Maximum Compensation For An Agreement For The 2012 Rochester MusicFest

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

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Team E Foundation, Inc. for talent booking, site management, marketing, sponsorship solicitation, ticket sales and administration for the 2012 Rochester MusicFest. Of said amount, \$150,000 shall be funded from the 2011-12 Budget of the Bureau of Communications, and \$25,000 shall be funded from the 2012-13 Budget of the Bureau of Communications, contingent upon adop-

tion of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-373
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 2011-12 Budget of the Bureau of Communications.

Events to be held on Saturday and Sunday, April 28 and 29, 2012 include the Rochester River Challenge Duathlon and Paddle Triathlon on Saturday, and the Rochester Flower City Half Marathon and a family 5K run on Sunday.

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 Rochester Flower City Half Marathon.

The Duathlon is a 5K run, followed by a 20 mile bicycle race, and finishing with a second 5K run. The Paddle Triathlon is a 5K run, followed by a 20 mile bicycle race, and a 3 mile canoe/kayak 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. The spring 2011 event had 436 finishers, a 29% growth in finishers over the 2010 inaugural event. Over 2000 spectators lined the entire course. For 2012, event producers project over 550 registrants.

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 spring 2011 event drew more than 2000 registrants, a 44% increase over the previous year. This is the only half marathon distance running event in the area to be held in the spring and will be marketed regionally to draw entrants from a 300-mile radius area. Participation in the 5K run grew 52% over 2010 with more than 1000 registrants.

YellowJacket Racing will provide free training workshops and programs along the course. They will also host the "Spirit Contest" again which awards cash donations to "most enthusiastic" neighborhood associations along the course. For 2011, a combined \$1500 was donated to the Highland Park Neighborhood (1st Place) and Susan B Anthony Neighborhood (2nd Place).

The event will include free stage performances and

is free to spectators. The total event budget is estimated at \$100,000 - \$116,000; City funds will be used to defray costs of Rochester Police Department services and Department of Environmental Services equipment rental.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-373
(Int. No. 426)

Establishing Maximum Compensation For An Agreement For The 2012 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 2012 Rochester Flower City Challenge. Said amount shall be funded from the 2011-12 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-374
Re: Agreement - Rochester International Jazz Festival, LLC, Xerox Rochester International Jazz Festival

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC (RIJF) to designate the City of Rochester as the lead government sponsor of the 2012 Xerox Rochester International Jazz Festival (XRIJF). The cost of this agreement will be funded from the 2011-12 Budget of the Bureau of Communications.

The 2012 festival will be held June 22-30 and will include over 225 shows at eighteen venues. The City's contribution to the festival will underwrite a minimum of 25 free events, in and near the East End Cultural District.

This year's investment in the festival will be \$25,000 less than that of the 2011 event due to budget constraints. This reduction will be reflected by the reconfiguration of the festival footprint to maximize activity on Gibbs Street ("Jazz Street") and East Main Street.

XRIJF has quickly become one of the nation's most popular and most respected music festivals. Founded in 2002, the festival attracts an international audience, with attendance increasing each year. In 2002, attendance for the festival was

15,000. In 2011, attendance was more than 182,000. According to the Greater Rochester Visitor Association, economic impact exceeds \$12 million.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-374
(Int. No. 427)

Establishing Maximum Compensation For An Agreement For The 2012 Xerox Rochester International Jazz Festival

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

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester International Jazz Festival, LLC (RIJF) for the 2012 Xerox Rochester International Jazz Festival. Said amount shall be funded from the 2011-12 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-375
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 2012 "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 2012-13 Budget of the Department of Communications (\$24,000), pending approval of that budget.

The 10 concerts will be held on consecutive Thursdays from June through mid-August 2012 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. This agreement will contain a revenue sharing component to provide The Springut Group exclusive rights to food and beverage vending in exchange for set rates of food and beverage volume sold.

2011 attendance of 32,000 was 40% lower than that of 2010. Food and beverage sales also decreased by 40%, which resulted in \$37,240 in revenue to the Rochester Events Network Trust Fund. Factors

which may have contributed to the decline in attendance include weather extremes, a challenging economy, two weeks of weak talent draw, and a new admission fee. The \$2 admission fee, however, did result in \$61,584 of new City revenue for this series.

The Springut Group was selected through a request for proposals process conducted in 2009. It is anticipated that an RFP will be issued prior to the selection of a vendor for the 2013 concert series.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-375
(Int. No. 428)

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 2012 "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 2012-13 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.

Councilmember Conklin moved to sever Int. No. 429 into two parts.

Motion was seconded by Councilmember Scott.

Adopted by the following vote:

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

Nays: None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-376 and
Ordinance No. 2011-385
Re: Agreement - Energetix, Drug and
Alcohol Testing

Transmitted herewith for your approval is legislation establishing \$164,556 as maximum compensation for a three-year agreement with Energetix, Hempstead, NY, to provide drug and alcohol testing for pre-employment and New York State Department of Transportation compliance testing and reporting. The cost of the agreement per calendar year is \$54,852 and will be financed from the Undistributed funds of the 2011-12 Budget and subsequent Budgets (2012-13 through 2014-15) contingent upon their approval.

In addition to pre-employment drug testing for all new hires, Energetix will provide, as required by the Omnibus Transportation Employee Testing Act, random, follow-up and post-accident testing for drugs and alcohol for employees whose duties require the possession of a commercial driver's license.

A request for proposal was solicited from six vendors; three firms responded. In addition to Energetix, proposals were received from Strong Occupational Health (Henrietta, NY) and Sterling (Winchester, VA and New York, NY). A committee of representatives from Emergency Communications, the Department of Environmental Services, the Law Department, and the Bureau of Human Resource Management evaluated the proposals and unanimously recommended Energetix based on their competitive pricing structure, and ease of access to collection sites. Energetix currently provides similar services for the State of New York.

The term of this contract will be January 1, 2012 through December 31, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-142

Int. No. 429A, As Amended

Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program For Applicants

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

Section 1. The sum of \$[164,556] 82,278, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Energetix for administration of the drug and alcohol testing program for applicants for employment positions for which drug testing is required by law, for a term of three years. Said amount shall be funded from the 2011-12 and subsequent Budgets for Undistributed Expense, contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Item failed unanimously.

(Item was reconsidered at the end of this meeting.)

Ordinance No. 2011-376
(Int. No. 429B, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program For Employees

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

Section 1. The sum of \$[164,556] 82,278, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Energetix for administration of the drug and alcohol testing program for employees for a term of three years. Said amount shall be funded from the 2011-12 and subsequent Budgets for Undistributed Expense, contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-377
Re: Agreement - EAP of Rochester,
Employee Assistance Program

Transmitted herewith for your approval is legislation establishing \$84,135 as maximum compensation for a three-year agreement with EAP of Rochester, a program of Catholic Family Center, to provide services for the City's employee assistance program. The approximate cost per calendar year of \$28,000 will be financed from the Undistributed fund of the 2011-12 Budget and subsequent budgets (2012-13 through 2014-15) contingent upon their approval.

The employment assistance program provides professional support services to employees whose job performance is affected by factors such as legal, financial and marital difficulties, emotional instability, alcoholism, and drug addiction. Non-uniformed City employees (1,580) and their families are eligible for participation. Uniformed Police and Fire employees are covered through their own programs.

A request for proposals for these services was issued and resulted in the submission of six proposals from the following vendors: EAP of Rochester; ENI (Vestal, NY); Associates in Employee Assistance (Fairport); Concentra (Addison, TX);

ESI-Employee Assistance Group (Wellsville, NY); and Strong EAP (Rochester). A committee of representatives from Emergency Communications, the Department of Environmental Services, the Law Department, and the Bureau of Human Resource Management evaluated the proposals and unanimously selected EAP of Rochester based on the following factors:

It is the only accredited EAP in the five-county area and has four offices in Monroe County, providing easy access for employees. EAP of Rochester emphasizes face-to-face counseling as opposed to telephone counseling and has, on average, an 85% successful resolution rate. They have seven in-house providers representing a variety of specialties including substance abuse professionals whose services are available at no additional cost.

In calendar year 2011, EAP of Rochester saw 70 employees for counseling, representing 5% of the eligible workforce, which is consistent with the national average of 3% to 7%. They also saw 237 employees (15% of the eligible workforce) for training, critical incident stress management, and management consultations, which is also consistent with the national average of 13% - 15%.

EAP of Rochester will provide counseling and referral services to eligible employees as appropriate and will conduct training programs for City supervisory personnel including both in-person training and online training as required. The term of this agreement will be January 1, 2012 through December 31, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-377
(Int. No. 430)

Establishing Maximum Compensation For A Professional Services Agreement For The Employee Assistance Program

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

Section 1. The sum of \$84,135, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and EAP of Rochester for the Employee Assistance Program for a term of three years. Said amount shall be funded from the 2011-12 and subsequent Budgets for Undistributed Expense, contingent upon the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-378
Re: Agreement - Guardian Life Insurance
Company of America, Employee
Dental Plan

Transmitted herewith for your approval is legislation establishing \$87,000 as total maximum compensation for a three-year agreement with Guardian Life Insurance Company of America (Buffalo, NY) for administration of the dental insurance plan for Administrative, Professional and Technical (APT) and Confidential City employees. The cost of \$29,000 per calendar year will be financed from the Undistributed allocation of the annual budget, beginning in 2011-12, and contingent upon approval of the 2012-13 through 2014-15 budgets.

Proposals for these services were solicited from seven vendors in the region known to provide such services. Proposals were received from two vendors in addition to Guardian: SunLife (Fairport, NY) and Delta Dental (Mechanicsburg, PA).

Guardian has provided dental benefits for the City on a self-insured basis since 2010. The recommendation to continue with Guardian in a self-funded arrangement for this employee group is based on the following:

- The monthly rate of \$6.50 per enrollee/per month is lowest among the proposals.
- Mitigated savings for the City over the previous 12-month period were in excess of \$41,000.
- Paid claims continue to be significantly lower than premiums paid for the insured plans.
- Participants are provided an annual maximum benefit of \$1,000 which limits the City's self-insurance 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,
Thomas S. Richards
Mayor

Ordinance No. 2011-378
(Int. No. 431)

Establishing Maximum Compensation For A Professional Services Agreement For Dental Insurance

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

Section 1. The sum of \$87,000, 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 Guardian Life Insurance Company of America for administration of the dental insurance plan for Adminis-

trative, Technical and Professional and Confidential City employees for a term of three years. Said amount shall be funded from the 2011-12 and subsequent Budgets for Undistributed Expense, contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-23
Re: Standard Work Day -
Mayor

Transmitted herewith for your approval is legislation standardizing the work day for the Mayor in accordance with the requirements of the New York State and Local Retirement System. Regulation 315.4, adopted by the New York State Comptroller's Office in August 2000, requires that elected and appointed officials who participate in the state retirement system and who do not participate in their agency's work-time reporting system, keep a 90-day record of time spent on activities related to their position. This record is used to establish the standard work day for the official, which is then adopted through a resolution by the governing body.

The Mayor's Record of Work Activities, documenting the first three months of the Richards administration, was filed with the City Clerk on October 25, 2011. This record demonstrates a minimum of eight hours devoted to City business per day, or 40 hours per week; it is recommended that this be adopted by City Council as the standard Mayor's work day for full pension benefits.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-143

Resolution No. 2011-23
(Int. No. 432)

Resolution Approving Standard Work Day For The Mayor For Retirement Purposes

WHEREAS, Mayor Thomas S. Richards has submitted a log of work-related activities pursuant to 2 NYCRR 315.4 and desires to establish his standard work day and number of days to be reported to the Retirement System based on the submitted log.

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

Section 1. The Council hereby establishes an eight hour standard work day and a forty hour standard work week (the equivalent of five standard work days) for Mayor Thomas S. Richards.

Section 2. The Council hereby certifies that it has received a log of work-related activities pursuant to 2 NYCRR 315.4 from Mayor Richards that forms the basis for the number of days to be reported.

Section 3. Based on the log, the monthly reporting for retirement purposes for Mayor Richards shall be the total number of work days occurring each month based on Mayor Richards working the equivalent of full five day standard work weeks throughout the month.

Section 4. The current term of office of Mayor Richards began on April 11, 2011 and expires on December 31, 2013.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-379
Re: Amendatory Agreement, New
Horizons Computer Training Center,
Computer Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with New Horizons Computer Learning Center of Syracuse and Rochester to provide computer training to City staff. The original agreement, executed in January 2010 (033092), established \$10,000 as maximum compensation. An amendatory agreement authorized in December 2010 (Ord. No. 2010-349) increased compensation by \$20,000, for a total of \$30,000. This amendment will extend the term for one year, with an option to extend for an additional year. No additional funding is required.

New Horizons provides:

- Computer classes dedicated to City employees on-site and/or at their facility
- Access to New Horizons' open enrollment courses at their facility
- Instruction in multiple levels of Microsoft Office 2007 Applications, including Word, Excel, PowerPoint, and Outlook
- Free enrollment for a second session of the same topic to reinforce training.
- Training materials (90-130 page professional publications with detailed lessons)
- Access for students to an online resource center
- Training in Microsoft Outlook will be included as part of this amendatory agreement.

Since January 2010, 187 employees have participated in training, for a total of 1,244 training hours.

By department, the number of participants is shown below.

Communications	3
Human Resources Management	8
Environmental Services	62
OMB/311	21
Recreation & Youth Services	21
Law	3
Fire	5
Emergency Communications	8
Mayor's Office	4
Police	14
Finance	7
Neighborhood & Business Dev.	22
Library	9

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-379
(Int. No. 434)

Authorizing Extension Of A Professional Services Agreement For Computer Training

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

Section 1. The Mayor is hereby authorized to enter into the extension of an amendatory professional services agreement between the City and New Horizons Computer Learning Center for computer training services for City employees for an additional term of one year, with a one-year renewal option, at no additional cost.

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 by the following vote:

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

Nays - Councilmember Warren - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-380
Re: 2011-12 Mid-Year Budget
Amendments

Transmitted herewith for your approval is legislation amending the 2011-12 Budget to reflect the effects of collective bargaining agreements, the Voluntary Retirement Incentive Program, additional staffing required for implementation of new financial systems, and additional travel for lobbying efforts. Specifically, this legislation will:

1. Transfer a total of \$13,633,800 from Contingency to various budgets as follows:

- a. To account for wage adjustments for the Locust Club, International Association of Firefighters (IAFF), and non-sworn IAFF employees in accordance with collective bargaining agreements, a total of \$11,398,000 is transferred as follows:

<u>Unit</u>	<u>Operating</u>	<u>Undistributed</u>
Locust Club	\$5,311,500	\$1,532,400
IAFF	3,301,300	1,216,600
Non-sworn IAFF	28,100	8,100

- b. To account for the wage adjustment for Administrative, Professional and Technical (APT) employees, a total of \$1,136,100 is transferred to the operating budgets of the affected departments, and \$266,400 to Undistributed.
 - c. To account for additional salaries for un-budgeted but filled positions that existed between budget adoption and implementation of the Voluntary Retirement Incentive Program (VRIP) authorized by Council in June 2011, a total of \$412,600 is transferred to operating budgets of the affected departments, and \$118,400 to Undistributed.
 - d. To account for the restoration of partial personnel funding needed within Finance to assist with implementation of the new financial system (Munis), a total of \$173,000 is transferred to the operating budget and \$31,300 to Undistributed.
 - e. To account for Council's restoration of three full-time code enforcement positions, \$80,000 in partial funding is transferred to the Budget of the Department of Neighborhood and Business Development.
 - f. To provide funding for additional travel for in-house lobbying efforts at the state and federal level as a result of the reduction of contract lobbying services, \$3,000 and \$15,000 are transferred to the Office of Management and Budget and the Law Department, respectively.
2. Transfer \$1,924,100 from the Retirement Reserve Fund to various budgets to cover payments made as part of the VRIP.
 3. Increase revenue estimates for Monroe County reimbursement of the 911 Center by \$91,000 to fund the VRIP.

These transfers are detailed in the attached table.

When the 2011-12 Budget was adopted in June, wage rates had not yet been established for employees represented by the Locust Club, IAFF, non-sworn IAFF, nor the APT employee group. Executive sessions held in May, 2011 as part of the interest arbitration process for the Locust Club and sworn IAFF resulted in a five year award effective retroactively to July 1, 2008 and extending to June 30, 2013. Wage adjustments granted for both the

Locust Club and IAFF of 3% for 2008-09, 3% for 2009-10, 2.5% for 2010-11, and 1% for 2011-12 result in the need to adjust sworn personnel expense in the 2011-12 Budget by a compounded increase of 9.83%. The remaining 1% adjustment will be included in the proposed 2012-13 budget.

Upon issuance of the IAFF and Locust Club award, the decision was made to grant APT employees a 4% retroactive adjustment for 2010-11. No wage adjustment was granted to APT for 2011-12, however the current base operating budgets must be increased to accommodate the 4% adjustment from 2010-11. Negotiations for non-sworn IAFF resulted in a 2% wage adjustment retroactive to 2010-11 and a 2.5% wage adjustment for 2011-12.

The VRIP authorized by Council in June, 2011 resulted in 35 civilian and 23 sworn retirements, as follows:

	<u>Civilian</u>	<u>Sworn</u>	<u>Total</u>
Environmental Services	9		9
Recreation & Youth Services	2		2
Emergency Communications	3		3
Finance	3		3
Law	2		2
Library	8		8
Neighborhood & Business Development	3		3
Office of Management & Budget	1		1
Fire	1	14	15
Police	3	9	12
	<u>35</u>	<u>23</u>	<u>58</u>

Seven of the civilian positions were deemed to be mission critical; three of those have since retired; the remaining four will retire by the end of January, 2012. The funds being transferred represent the lump sum incentive payment of \$15,000 each as well as the value of accumulated vacation or other time bank buy-outs. The VRIP cost of the Emergency Communications (911) employees will be funded by increased reimbursement from Monroe County. Retirement Reserve Funds will be used to offset the VRIP cost at the Central Library to avoid any further personnel reductions. In return, the amount of \$197,000 will be credited for City rental of space at the Rundel building.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AK-144

Ordinance No. 2011-380
 (Int. No. 451, As Amended)

Amending The 2011-12 Budget

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

Section 1. Ordinance No. 2011-188, the 2011-

12 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$13,633,800 from the Contingency allocation, and by increasing the revenue estimates and appropriations by the sum of \$1,924,100 which is hereby appropriated from the Retirement Reserve Fund, and by increasing the revenue estimates and appropriations by the sum of \$91,000 which is hereby appropriated from anticipated reimbursements from the County of Monroe, to fund the following:

City Council and Clerk Administration	\$ 20,000
Mayor's Office	71,900
Communications	34,800
Human Resource Management	78,000
Office of Management & Budget	55,000
Environmental Services	555,200
Emergency Communications	115,000
Finance	375,200
Fire	4,035,800
Information Technology	113,200
Law	153,400
Library	236,300
Neighborhood and Business Development	362,900
Police	5,898,400
Recreation and Youth Services	121,900
Undistributed Expense	3,421,900

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2011-381
Re: Budget Amendment - Midtown Carrying Costs

Transmitted herewith for your approval is legislation amending the 2011-12 Budget to reflect temporary carrying costs of the Midtown parcel. Specifically, this legislation will transfer a total of \$150,000 from Contingency to department budgets as follows:

1. \$100,000 to the Police Department for temporary security personnel to secure the Midtown parcel over the next six months until construction begins again in spring 2012.
2. \$50,000 to the Department of Environmental Services to cover the cost of temporary Building Services personnel, snow and ice removal, and cleaning services at the site.

In early December 2011, following completion of all asbestos and demolition work, the City will assume responsibility for the Midtown site until such time as the tunnel reconstruction contractors return to the parcel in spring 2012. The Police Department is recommending the use of temporary in-house security personnel combined with current staffing to ensure safety and security in and around

the site. Existing surveillance camera infrastructure will be installed and monitored from the mobile RPD command trailer being moved to the site.

Access to the parcel during the winter will require snow and ice removal services, and cleaning services will be needed for the mobile RPD command trailer. Temporary staff will be required to monitor and maintain overhead doors and fire suppression, plumbing, alarm, and drainage systems in the tunnel and parking garage. In addition, they will provide sweeping in the tunnel and any repair and maintenance to perimeter fencing.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-381
(Int. No. 452, As Amended)

Amending The 2011-12 Budget For The Midtown Plaza Site Costs

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring from the Contingency Allocation the sum of \$100,000 to the Rochester Police Department and \$[42,000] 50,000 to the Department of Environmental Services to fund costs related to the Midtown Plaza site.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2011-382
Re: Agreement - New York State
Education Department, Local
Government Records Management
Improvement Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Education Department for the receipt and use of a \$57,581 grant to support a project to inventory, organize, and improve public access to approximately 2,530 cubic feet of inactive permanent historical records; and amending the 2011-12 Budget of the Library to reflect the grant.

The City historian will supervise the project with primary assistance from Records Management. Minimal administrative and technological support may be required from the City Clerk's Office and the IT Department. The total cost of the project is estimated at \$67,000.

The grant funds will be used to purchase supplies

and hire a professional archival consultant and temporary staff to conduct a comprehensive inventory of historical records located in three City locations - the Office of the City Historian, the Rochester Public Library, and the Municipal Archives at the Records Management Center. The work will also include organization of the collections as well as improving public access to them.

This work will result in the development of the following:

- Publicly searchable database of historical collections,
- Needs assessment outlining long- and short-range goals and objectives,
- Manual of policies and procedures to standardize care and handling, preservation, and access to historical materials within and between the Office of the City Historian and the Municipal Archives.

It is anticipated that this project will be completed by June 30, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-382
(Int. No. 453)

Approving A Library Grant And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Education Department for funding to improve access to historical records.

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

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Public Library by the sum of \$57,600, which amount is hereby appropriated from the grant funds authorized herein to improve access to historical records.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-383
Re: Lease of Rochester Museum and Science Center Property

Transmitted herewith for your approval is legislation authorizing a continuing, year-to-year lease agreement with the Rochester Museum and Science Center ("RMSC") for the property located at the southeast corner of East Avenue and Goodman Street at 957 East Avenue (the Property"), which includes the Bausch Hall of History and Science ("Bausch Hall").

The original lease for the Property was entered into on July 1, 1968 when the City transferred the operation and maintenance of the former City of Rochester Municipal Museum to RMSC and leased the property to them. A thirty-year lease was subsequently executed on December 12, 1985 with the 657 Corporation, which was established to allow the financing of the expansion and renovation of Bausch Hall. A new lease is now being sought because the RMSC desires to refinance the existing bonds, and such refinancing will trigger a termination of the 1985 lease.

This new lease, modeled on the original 1968 lease, will be a one-year lease which extends annually, unless either party gives at least a one-year notice of termination. The RMSC will be solely responsible for the maintenance and operation of the Property, including the payment of all utilities. They are required to provide general liability insurance and property insurance, insuring both the real property and the museum's collections. The RMSC will also indemnify the City against all claims and liabilities arising out of their use of the Property.

Since the RMSC operates and maintains the Bausch Hall and other facilities located on the Property for museum and educational purposes on behalf of the City of Rochester for the public benefit, the value of such operation and maintenance is deemed to be appropriate rental cost for the Property.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-383
(Int. No. 466)

Authorizing A Lease Agreement For The Rochester Museum And Science Center

WHEREAS, the City of Rochester has received a proposal for the continued lease of the Rochester Museum and Science Center property and collections for a continuing year-to-year term, subject to termination on notice of one year; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is following additional procedures due to the possible 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 determined that payment is not required due to the overriding pub-

lic benefit served by the Museum; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the use is the continuation of the operation of the Museum which is open to the public and benefits residents of the City and surrounding area and visitors.

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 a lease agreement with the Rochester Museum and Science Center (RMSC) for the continued lease of the Museum property and collections for a continuing year-to-year term, subject to termination on notice of one year. The lease shall be without rent due to the overriding public benefit provided through the operation of the Museum. The RMSC shall be solely responsible for the maintenance and operation of the property, including the payment of all utilities. The RMSC shall provide general liability insurance and property insurance, insuring both the real property and the museum's collections. The RMSC shall also indemnify the City against all claims and liabilities arising out of its use of the property.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-24
Re: Appointment - Board Of Assessment Review

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

New Appointments for a One-Year Term

- Emily Smith
25 Rossiter Road
Rochester, NY 14620
- Lindsay Macaluso
67 S. Washington Street
Rochester, NY 14608
- Susan Sanford
76 Bond Street
Rochester, NY 14620
- Adrienne Kilc
215 Aldine Street
Rochester, NY 14619
- Carlos Mercado
12 Vick Park A
Rochester, NY 14607

Returning One-Year Panel Members

- Justin Martin
232 Henrietta Street
Rochester, NY 14620
- Michael Galitzdorfer
3 N. Goodman Street
Rochester, NY 14618

New Permanent Panel Members (5-year term)

- Peter Easterly
65 Beacon Street
Rochester, NY 14607

All of these names were submitted to the Council for review in early November. Any questions or concerns were addressed by Michael Zazzara in the City's Assessment Office. Resume's of all new appointments are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
President

Attachment No. AK-145

Resolution No. 2011-24
(Int. No. 467)

Resolution Approving Appointments To The Board Of Assessment Review

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

Section 1. The Council hereby approves the appointment of Peter Easterly, 65 Beacon Street, Rochester, NY 14607, to the Board of Assessment Review for a term that will expire on September 30, 2016.

Section 2. The Council hereby approves the appointment of the following persons to serve as temporary members of the Board of Assessment Review for 2012:

- Emily Smith
25 Rossiter Road
Rochester, NY 14620
- Lindsay Macaluso
67 S. Washington St.
Rochester, NY 14608
- Susan Sanford
76 Bond Street
Rochester, NY 14620
- Adrienne Kilc
215 Aldine Street
Rochester, NY 14619
- Carlos Mercado
12 Vick Park A
Rochester, NY 14607
- Justin Martin
232 Henrietta Street
Rochester, NY 14620
- Michael Galitzdorfer
3 N. Goodman Street
Rochester, NY 14607

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-384
Re: Appropriation - Insurance Reserve
Fund

Transmitted herewith for your approval is legislation appropriating \$4.425 million from the Insurance Reserve Fund to finance the payment of general liabilities and condemnation awards.

The City is self-insured against all general liability, auto and personal claims, for which purpose the Insurance Reserve Fund is maintained. All claims are paid from this fund. The monies maintained as reserves are invested until needed for disbursement. The interest earned on these investments is added to the fund balance.

At present, the fund contains an unappropriated balance of approximately \$13.57 million. The Office of Management and Budget anticipates that additional transfers will be made to this Fund as a result of 2010-11 activities, pending receipt of financial statements. The current unencumbered appropriated fund balance is approximately \$1.7 million.

Under the proposed legislation, an additional \$3.75 million will be appropriated for the payment of the claim of Douglas Warney, and \$675,000 for the payment of the claim of a woman who was allegedly raped by a City inspector who was on the job. The City has recognized the potentially very large liability associated with both of these cases and is resolving the cases at amounts that are considered far less than the potential verdicts and accompanying attorneys' fees. These settlements were reached through the assistance of respected local mediator James E. Morris, Esq.

Douglas Warney was arrested by the Rochester Police Department and served ten years in prison for a murder he did not commit. Mr. Warney initially called the police to report that another person may have been involved in the murder. In the course of interrogation by the police, Mr. Warney confessed to the murder. Soon afterwards, he retracted the confession, claiming that the police had actually provided many of the pieces of incriminating information in the confession. Mr. Warney suffered from various continuing ailments at the time of his arrest. As a result of these ailments and also due to death threats he received in prison, he was routinely placed in isolation while in prison. Mr. Warney was exonerated after DNA evidence identified the real killer. This case was reviewed by the New York State Court of Appeals as a result of a claim made by Mr. Warney against New York State, and the Court found that the evidence demonstrated a likelihood that Mr. Warney would be able to succeed at trial on claims that the Rochester Police Department had mishandled the investigation.

The Rochester Police Department provides exten-

sive training to its investigators on proper interrogation techniques and legal requirements. Since 2006, the Department has videotaped confessions in homicide cases. A new order is expanding the videotaping to include first degree assault cases as well.

In the second case, a City property inspector, Luis Acosta, allegedly raped a citizen while he was inspecting a property. After trial, the property inspector was convicted of attempted criminal sexual act in the first degree. The inspector had three prior felony convictions in Erie County, two of which were considered violent crimes (robbery and criminal possession of a weapon). The City had only performed a local records check on the inspector prior to his hire in a position that did not require citizen contact, and performed no further investigation before he was placed in the inspector position. The City has previously admitted its shortcomings in the backgrounding process of this inspector. The victim has undergone extensive medical treatment as a result of the incident and continues to suffer from post-traumatic stress syndrome.

As a result of this incident, the City has conducted a review of its backgrounding process for prospective non-uniformed employees. The City currently works through the Rochester Business Alliance to obtain records checks from any jurisdiction in which a prospective employee has lived, as well as from New York State. The City has recently received proposals from firms to conduct records checks on prospective employees and approval is expected to be sought at the January 2012 meeting for a new agreement which will provide for the expanded records checks.

Detailed reports on the City's claim experience are submitted to the Council on a quarterly basis.

The most recent report was submitted in June, 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-384
(Int. No. 468)

Appropriation Of Funds - Insurance Reserve Fund

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

Section 1. There is hereby appropriated from the Insurance Reserve Fund the sum of \$4.425 million, or so much thereof as may be necessary, to finance the payment of general liabilities and condemnation claims.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Thomas S. Richards
Mayor

Introductory No. 465
Re: Bulk Sale of Delinquent Tax Liens

Introductory No. 465

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

AUTHORIZING THE BULK SALE OF DELINQUENT TAX LIENS

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

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

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.

Sale date	Feb 2008	Sept 2009	Dec 2010
Number of liens	5,675	5,444	5,249
Number of parcels	3,327	4,864	4,780
Original value (principal & interest)	\$13,976,777	\$11,443,795	\$10,999,275
Sale price	\$6,036,829	\$4,981,986	\$5,342,778
Percent of original value	43.19%	43.53%	48.57%

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

Section 3. The agreement shall further obligate ATFS to pay to the City full redemptive value of \$150,588.12 for 49 liens on properties for which ATFS holds prior unpaid liens, said amount to be adjusted to reflect redemptions and interest to the date of closing.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Palumbo
December 13, 2011

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

To the Council:

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

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.

In addition, this year ATFS, as authorized in the agreement, is exercising their right to fully redeem properties for which they hold prior unpaid liens. ATFS has reviewed the list of such properties, and has agreed to pay the full value of \$150,588 for liens on 49 properties that are in foreclosure proceedings. Doing so enables ATFS to protect their interest in these properties. The City has no objection to this action.

Int. No. 435 - Authorizing The Sale Of Real Estate

Int. No. 436 - Resolution Approving Reappointments To The Electrical Examining Board

Int. No. 437 - Resolution Approving Reappointments To The Elevator Examining Board

Int. No. 438 - Resolution Approving Reappointments To The Examining Board Of Plumbers

Int. No. 439 - Resolution Approving Reappointments To The Board Of Examiners Of Stationary Engineers And Refrigeration Operators

Int. No. 440 - Authorizing A License Agreement For The Use Of Property Along The Genesee River

Int. No. 441 - Authorizing The Sale Of Property Along The Genesee River And The Release Of An Easement

Int. No. 456 - Authorizing An Agreement With Windstream Corporation To Further The Midtown

Respectfully submitted,

Urban Renewal Plan And Repealing Ordinance No. 2011-104

Int. No. 458 - Authorizing A Loan Agreement For The Reconstruction Of The Former Seneca Building, As Amended

Int. No. 459 - Appropriating Funds For The Midtown Plaza Revitalization Project And Authorizing An Agreement

Int. No. 460 - Authorizing An Application And Agreements For The Midtown Plaza Revitalization Project

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

Int. No. 457 - Authorizing The Sale Of A Portion Of 245 East Main Street And Additional Rights To Said Parcel To Further The Midtown Urban Renewal Plan And Authorizing Easements

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-386
Re: Sale of Real Estate

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

The first four properties are vacant lots, all of which are being sold to their adjacent owners who will combine the lots with their current parcels.

The next eight parcels are unbuildable vacant lots, all being sold to their adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these twelve properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,337.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the

City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-146

Ordinance No. 2011-386
(Int. No. 435)

Authorizing The Sale Of Real Estate

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

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u> <u>Purchaser</u>
54 Bellwood Pl 107.29-3-93	40x100	4,000	\$400 Bobbie Lee Tymes
112-114 Fulton Av 105.43-2-78.1	41x136	5,604	\$450 Providence Olean Kennedy Housing Development Fund Company, Inc.*
129 Gardiner Av 120.48-1-39	43x129	5,669	\$450 Cornerstone Homes, Inc.**
229 Weaver St 091.72-4-14	41x117	4,748	\$425 Ivonne Martinez

* Board of Directors: Monica McCullough, Member; Roger Brandt, Member; Mark M. Greisberger, Member; Fran Haywood, Member; James Crowley, Member

** Corporation Board: Stephen E. Cunningham, Chief Executive Officer; David L. Fleet, Principal Executive Officer

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
575-577 Dewey Av 105.34-2-60	41x52	2,131	Miguel A. Lara, Jr.
Pt. of 224 Duran St Pt. of 091.74-4-30	17x80	1,400	Siew Hioe
27-29 Epworth St 120.51-4-14	39x80	3,160	Maurice Akins
68 Ketchum St 106.23-1-34	35x92	3,180	Lucille Rodgers
W/H of 101 Weld St 106.73-2-15.1	15x130	1,950	Kenneth H. Hess
E/H of 101 Weld St 106.73-2-15.2	15x130	1,950	Agnes Capers
W/H of 113 Weld St 106.73-2-21.1	16.5x130	1,350	Helen Edwards
E/H of 113 Weld St 106.73-2-21.2	16.5x130	1,350	Greater Rochester

Housing Partnership***

*** Board of Directors: Kevin Recchia, Esq., President; Bret Garwood, Vice President; Alma Balonon-Rosen, Secretary; Joan Dallis, Member; Gerry DiMarco, Esq., Member; Kabutey Ocansey, Member; Julio Vazquez, Member

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2011-25,
Resolution No. 2011-26,
Resolution No. 2011-27 and
Resolution No. 2011-28

Re: Re-appointments - Examining Boards

Transmitted herewith for your approval is legislation confirming the appointment of Robert DeNoto, 855 Meadow Ridge Lane, Webster, to the Electrical Examining Board, and reappointing members of all four of the examining boards, as summarized below. Information regarding the purpose and membership requirements for each board is attached along with a complete membership roster for each.

Mr. DeNoto's term on the Electrical Board will expire December 31, 2014.

<u>Role/Qualification</u>	<u>Member Since</u>	<u>Term to Expire</u>
Electrical Board		
Andrew Cresciullo General Electrical	2002	Dec. 2014
Joseph Armstrong General Electrical	2000	Dec. 2014
Walter Parkes General Electrical	1977	Dec. 2014
Dennis Schaut Licensed Professional Engineer	1996	Dec. 2014
William Stiewe Local Utility (RG&E)	2007	Dec. 2014
Elevator Board		
Randall Sickler Commercially Oriented Architect	1998	Jan. 2015
Brian W. Hoose Elevator Industry	2006	Oct. 2012
Glenn Goodlein Elevator Industry	1994	Jan. 2015
Dean LaDelfa Elevator Industry	1992	Jan. 2014

David Cooper Liability Insurance Company	1997	Jan. 2014
Alan Rothfuss, Jr. Local Elevator Construction Union	2006	Dec. 2014
Mark Schwartz Building Owner	2004	Apr. 2013

Stationary Engineer/Refrigerator Operator

Bernard Metzger Chief/R1	2000	Dec. 2014
Kenneth Armes License Holder	2008	Dec. 2014
Anthony Martin Engineer	2004	Dec. 2013

Plumbing

Richard Benedict Journeyman Plumber	2002	Dec. 2012
Gary Mauro Master Plumber	2002	Dec. 2012

Resumes for these individuals are available for review in the Office of the City Clerk.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-147

Resolution No. 2011-25
(Int. No. 436)

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 as follows:

<u>Name</u>	<u>Expiration</u>
<u>Role/Qualification</u>	
Andrew Cresciullo General Electrical	Dec. 31, 2014
Joseph Armstrong General Electrical	Dec. 31, 2014
Walter Parkes General Electrical	Dec. 31, 2014
Dennis Schaut Licensed Professional Engineer	Dec. 31, 2014
William Stiewe Local Utility (RG&E)	Dec. 31, 2014
David Young Specialized/Electrical Installation	Dec. 31, 2014

Section 2. The Council hereby approves the following appointment to the Electrical Examining Board for a term which shall expire as follows:

Robert DeNoto, 855 Meadow Ridge Lane, Webster, New York, who is qualified as a Specialized/Electrical Installation, for a term to expire

December 31, 2014.

Resolution No. 2011-28
(Int. No. 439)

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2011-26
(Int. No. 437)

Resolution Approving Reappointments To The Elevator Examining Board

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

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

<u>Name</u>	<u>Role/Qualification</u>	<u>Expiration</u>
Randall Sickler	Commercially Oriented Architect	Jan. 31, 2015
Brian W. Hoose	Elevator Industry	Oct. 31, 2012
Glenn Goodlein	Elevator Industry	Jan. 31, 2015
Dean LaDelfa	Elevator Industry	Jan. 31, 2014
David Cooper	Liability Insurance Company	Jan. 31, 2013
Alan Rothfuss, Jr.	Local Elevator Construction Union	Dec. 31, 2014
Mark Schwartz	Building Owner	Apr. 30, 2013

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2011-27
(Int. No. 438)

Resolution Approving Reappointments To The Examining Board Of Plumbers

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 Examining Board of Plumbers for terms which shall expire as follows:

<u>Name</u>	<u>Role/Qualification</u>	<u>Expiration</u>
Richard Benedict	Journeyman Plumber	Dec. 31, 2012
Gary Mauro	Master Plumber	Dec. 31, 2012

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Resolution Approving Reappointments To The Board Of Examiners Of Stationary Engineers And Refrigeration Operators

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

Section 1. The Council hereby approves the reappointment of the following persons to the Board of Examiners of Stationary Engineers and Refrigeration Operators for terms which shall expire as follows:

<u>Name</u>	<u>Role/Qualification</u>	<u>Expiration</u>
Bernard Metzger	Chief/RI	Dec. 31, 2014
Kenneth Armes	License Holder	Dec. 31, 2014
Anthony Martin	Engineer	Dec. 31, 2013

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-387 and
Ordinance No. 2011-388
Re: License Agreement, Release of
Easement, and Sale of Property -
Part of 5353 St. Paul Boulevard

Transmitted herewith for your approval is legislation related to a portion of City-owned land at 5353 St. Paul Boulevard. This legislation will:

1. Authorize a license agreement with the Rochester Yacht Club for a 1,466 square foot portion of 5353 St. Paul Boulevard. This parcel contains approximately 54 feet of frontage on the eastern bank of the Genesee River and will be utilized by the Yacht Club for expansion of their youth sailing programs.
2. Authorize the sale of approximately 7,016 square feet of 5353 St. Paul Boulevard to the Rochester Yacht Club for the relocation of an existing access road for the appraised amount of \$14,000 as established by an independent appraisal prepared by Robert G. Pogel, SRPA.

An existing 20 foot wide permanent access easement between the City and the Yacht Club will be released as part of the sale. The easement was negotiated initially to allow the Rochester Yacht Club access to their facilities, however the sale of the portion of this lot will make the easement unnecessary as the Yacht Club will have full access to the area.

The term of the license agreement will be for 20

years with two 10-year renewal options. The Yacht Club will pay the City a \$900 annual fee for use of this licensed area. This license fee was established by an independent appraisal prepared by Robert Pogel. The City will have the right to cancel this agreement, upon 6 months notice, if the City deems the property is required for development purposes. The City is retaining a portion of the parcel as the City has a lease agreement with Monroe County on the remaining portion. In addition, the land being retained provides access to the leased areas.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-148

Ordinance No. 2011-387
(Int. No. 440)

Authorizing A License Agreement For The Use Of Property Along The Genesee River

WHEREAS, the City of Rochester has received a proposal for the use of approximately 1,466 square feet of the parcel at 5353 St. Paul Boulevard on the eastern bank of the Genesee River by the Rochester Yacht Club for a term of twenty years, with two ten-year renewal options; and

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

WHEREAS, the term of the use is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the use; and

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

WHEREAS, the Council affirmatively finds that the proposed use is in the public interest, as the public benefit to be derived from the use is the expansion of youth sailing programs by the Rochester Yacht Club.

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 a license agreement with the Rochester Yacht Club for the use of approximately 1,466 square feet of the parcel at 5353 St. Paul Boulevard on the eastern bank of the Genesee River for the expansion of youth sailing programs, for a term of twenty years, with two ten-year renewal options. The license may be cancelled by the City upon six months notice if the City requires the property for development purposes.

Section 2. The license agreement shall obligate the licensee to pay annual rent to the City in the amount of \$900.

Section 3. The license 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. 2011-388
(Int. No. 441)

Authorizing The Sale Of Property Along The Genesee River And The Release Of An Easement

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

Section 1. The Council hereby approves the sale of approximately 7,016 square feet of the parcel at 5353 St. Paul Boulevard on the eastern bank of the Genesee River to the Rochester Yacht Club for the sum of \$14,000. The Council hereby further approves the release of an existing twenty foot wide permanent access easement between the City and the Rochester Yacht Club over said parcel.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-389,
Ordinance No. 2011-390 and
Ordinance No. 2011-391

Re: Sale of Land - The Pike Development Company, Midtown Redevelopment Project

Transmitted herewith for your approval is legislation related to the Midtown Redevelopment Project. This legislation will:

1. Authorize an agreement with Windstream Corporation or a subsidiary of such corporation (hereinafter Windstream) obligating Windstream to lease a portion of the former Seneca Building at 245 East Main Street to be developed by Pike Development Company, or a subsidiary of such corporation (hereinafter Pike) consistent with the conditions in paragraph 2.
2. Authorize the sale of a portion of 245 East Main Street to Pike for \$1.00 as part of the Midtown Urban Renewal Project. Pike will develop at least 100,000 square feet of the former Seneca Building, a portion of which shall be for use by Windstream as office space. This sale is conditioned upon the execution of a lease between Pike and Windstream. The lease will include the following general terms:
 - 66,667 square feet of Class A office space

for the occupancy of up to 335 Windstream employees by August 1, 2013.

- The lease shall be for a term of 15 years, with the option of two five-year renewals.
- The rent shall be \$17.25 per square foot, including \$3 per square foot for property taxes. Windstream shall also be obligated to pay additional rent for estimated operational costs of approximately \$4.50 per square foot.

Pike will be granted an exclusive option through June 30, 2015 to purchase the northern portion of 245 East Main Street subject to certain terms and conditions.

3. Authorize an agreement with Windstream to provide up to 335 parking spaces in the Midtown Garage (or Mortimer Street and/or South Avenue Garages until repairs are completed at Midtown) at a payment of \$50 per pass per month. The term of the agreement will be for 15 years.
4. Authorize a loan agreement with Pike in the amount of \$5,000,000, with a 15-year term and an interest rate of 1%. The loan will be financed from the Economic Development Financial Assistance Loan & Grant-PAETEC Headquarters Project Account of the Community Development Block Grant as follows:

<u>CDBG</u>	<u>Amount</u>
2008-09	\$466,000
2009-10	\$1,500,000
2010-11	\$3,034,000

These amounts were previously appropriated for the Midtown Redevelopment Project by Ordinance No. 2011-32. The Mayor may adjust the interest rate and other terms and conditions of the CDBG loan with Pike in order to conform to legal requirements for the Project.

5. Authorize any necessary easements for utilities and for access to the pedestrian and service truck tunnels and the Midtown garage.
6. Rescind Ordinance No. 2011-104 which authorized the sale of Parcel 1 and rights to Parcel 2 on the Midtown Redevelopment Project Base Plan to PAETEC Realty, LLC, subject to the execution of the lease by Windstream and Pike described above.

The City-owned parcel at 245 East Main Street is located at the site of the former Midtown Plaza. The Rochester Urban Renewal Agency approved the subject parcel as a disposition property in the Midtown Urban Renewal Plan amended on November 9, 2009. The parcel was originally authorized for sale to PAETEC (Ord. No. 2011-104) for construction of their corporate headquarters, as outlined in a Land Disposition Agreement with the City dated December 28, 2010. Since then, Windstream has entered an agreement to acquire

PAETEC, without any stipulation regarding the Land Disposition Agreement. However, Windstream subsequently agreed to locate up to 335 employees in the former Seneca Building. The shell of the building was preserved during demolition of the Midtown Plaza structures in anticipation of PAETEC's relocation.

PAETEC had contracted with Pike to provide construction services for PAETEC's headquarters. Given Pike's detailed knowledge of the Seneca Building site and its ability to meet the aggressive construction deadlines required by the Windstream project, Pike will serve as the project owner and developer.

In addition to the \$5 million loan, the City also seeks in separate legislation to provide Pike a grant of \$1.7 million to aid in the redevelopment. A New York State Blueprint grant of \$1.2 million from the Empire State Development Corporation, previously authorized for the PAETEC project, will be re-assigned for the Windstream project. Tax abatements will also be sought through the County of Monroe Industrial Development Agency (COMIDA).

Pike will develop and own the three-story structure; two floors will be occupied by Windstream, and the third floor will be available for another tenant. Construction will start in spring 2012.

The sources and uses of funds for the proposed Windstream project are as follows:

<u>Sources</u>	
Bank Loan/Pike Equity	\$10,399,373
CDBG loan	5,000,000
NYS Blueprint	1,200,000
City grant	<u>1,700,000</u>
Total	\$18,299,373
<u>Uses</u>	
Site Acquisition	\$ 1
Const/Prof Services	18,067,000
Finance Costs	<u>232,372</u>
Total	\$18,299,373

A public hearing on the sale of City property is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-149

Ordinance No. 2011-389
(Int. No. 456)

Authorizing An Agreement With Windstream Corporation To Further The Midtown Urban Renewal Plan And Repealing Ordinance No. 2011-104

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Windstream Corpora-

tion to occupy office space to be developed in the former Seneca Building at 245 East Main Street in the Midtown Urban Renewal District in accordance with the following general terms:

- Windstream shall lease 66,667 square feet of Class A office space in the former Seneca Building for the occupancy of up to 335 Windstream employees by August 1, 2013.
- The lease shall be for a term of 15 years, with the option of two five-year renewals.
- The rent shall be \$17.25 per square foot, including \$3 per square foot for property taxes. Windstream shall also be obligated to pay additional rent for estimated operational costs of approximately \$4.50 per square foot.

Section 2. The Mayor is hereby further authorized to enter into a parking agreement with Windstream Corporation which shall provide for a number of parking passes equal to the number of employees working at Windstream, up to a maximum of 335, for parking in the Midtown Parking Garage (or the Mortimer Street and/or South Avenue Garages until repairs are completed at Midtown) at a payment of \$50.00 per pass per month. The agreement shall extend for a term of 15 years.

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

Section 4. Ordinance No. 2011-104, relating to the sale of Parcel 1 on the Midtown Redevelopment Project Subdivision Plan and an option on Parcel 2 to PAETEC Realty, LLC, is hereby repealed, effective upon full execution of the agreement authorized herein. Upon execution of the agreement, the Mayor is authorized to grant a release to PAETEC Realty, LLC.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-390
(Int. No. 457)

Authorizing The Sale Of A Portion Of 245 East Main Street And Additional Rights To Said Parcel To Further The Midtown Urban Renewal Plan And Authorizing Easements

WHEREAS, the City of Rochester has received a proposal from Pike Development Company LLC, or an entity to be formed by Pike Development Company LLC, (hereinafter called "Redeveloper"), for the purchase of a portion of 245 East Main Street, SBL No. 121.24-1-28.2, for the redevelopment of at least 100,000 square feet of the former Seneca Building, in the Midtown Urban Renewal Project, to further the objectives of the Midtown Urban Renewal Plan; and

WHEREAS, the City of Rochester has received an additional proposal from the Redeveloper for an

exclusive option through June 30, 2015 to purchase the northern portion of 245 East Main Street for the sum of \$1.00, for redevelopment to further the objectives of the Midtown Urban Renewal Plan; and

WHEREAS, the City desires to sell said Parcel to the Redeveloper for the sum of \$1.00 and grant the option on the northern portion for the sum of \$1.00 in accordance with Section 507(2)(d) of the General Municipal Law of the State of New York, as amended, in order to support the redevelopment of the parcel; and

WHEREAS, the sale and option will also result in the redevelopment of the blighted Center City Midtown site, and provide tax revenue and job creation; and

WHEREAS, the Redeveloper has been found to be a qualified and eligible sponsor to carry on the redevelopment by the Rochester Urban Renewal Agency.

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

Section 1. The Council hereby approves the sale to the Redeveloper of a portion of 245 East Main Street, SBL No. 121.24-1-28.2, for the redevelopment of at least 100,000 square feet of the former Seneca Building, in the Midtown Urban Renewal Project, for the sum of \$1.00, to further the objectives of the Midtown Urban Renewal Plan. The sale shall be contingent upon the execution of a lease between the Redeveloper and Windstream Corporation for occupancy of the premises in accordance with the following general terms:

- Windstream shall lease 66,667 square feet of Class A office space in the former Seneca Building for the occupancy of up to 335 Windstream employees by August 1, 2013.
- The lease shall be for a term of 15 years, with the option of two five-year renewals.
- The rent shall be \$17.25 per square foot, including \$3 per square foot for property taxes. Windstream shall also be obligated to pay additional rent for estimated operational costs of approximately \$4.50 per square foot.

Section 2. The Council hereby grants to the Redeveloper for the sum of \$1.00 an exclusive option through June 30, 2015 to purchase the northern portion of 245 East Main Street, SBL No. 121.24-1-28.2, in the Midtown Urban Renewal Project, for redevelopment to further the objectives of the Midtown Urban Renewal Plan.

Section 3. The Council hereby further approves the granting and acceptance of necessary easements for the Midtown Revitalization Project, including but not limited to easements for access to the Midtown Parking Garage, pedestrian tunnel and truck tunnel, and for all necessary utilities.

Section 4. The Mayor is hereby authorized to

enter into such agreements and to execute such other instruments as may be necessary to implement the sale and option. The agreements and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-391
(Int. No. 458, As Amended)

Authorizing A Loan Agreement For The Reconstruction Of The Former Seneca Building

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 Pike Development Company LLC whereby the City shall provide a loan to partially finance the costs of the reconstruction of the former Seneca Building at 245 East Main Street to further the Midtown Urban Renewal Plan. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loans in order to conform to legal requirements for the Project.

Section 2. The loan agreement shall obligate the City to pay an amount not to exceed \$5,000,000. Of said amount, or so much thereof as may be necessary, \$466,000 shall be funded from the appropriation for the PAETEC Headquarters Project of 2008-09 Community Development Program funds made in Section 4 of Ordinance No. 2011-32, \$1,500,000 from the appropriation of 2009-10 Community Development Program funds made in Section 4 of Ordinance No. 2011-32, and \$3,034,000 from the appropriation of 2010-11 Community Development Block Grant funds made in Section 4 of Ordinance No. 2011-32, which PAETEC Headquarters Project is now being undertaken by the Pike Development Company to house employees of Windstream Corporation, the successor to PAETEC. [The loan shall be with interest at the rate of 1% for a term of 15 years.] 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 15 years with interest at the rate of 1%.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted. Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-392 and
Ordinance No. 2011-393

Re: Grants - Midtown Redevelopment
Project, The Pike Company and
Windstream Corporation

Transmitted herewith for your approval is legislation related to funding for the Midtown Redevelopment Project. This legislation will:

1. Appropriate a grant of up to \$11 million from the Empire State Development Corporation (ESDC) for the Midtown Redevelopment Project. The application for and receipt of the grant were previously authorized in April 2011 (Ord. No. 2011-101);
2. Authorize a grant agreement with Pike Development Company, or a subsidiary of such corporation (hereinafter Pike), in the amount of up to \$3,200,000 for: a) the reconstruction of the former Seneca Building at 245 E. Main Street (hereinafter project) for occupancy by the Windstream Corporation, or a subsidiary of such corporation (hereinafter Windstream) in the amount of up to \$1,700,000, and b) the partial reconstruction of the truck and pedestrian tunnels (hereinafter tunnel) in the amount of up to \$1,500,000; and
3. Authorize an application to the ESDC for financial assistance of up to \$1,000,000 and the subsequent execution of any necessary agreements with the Empire State Development Corporation for the receipt and use of the funds.

Based on original cost estimates, the ESDC allocated \$55,000,000 for the Midtown Redevelopment Project for State-administered air monitoring, demolition, and asbestos abatement work at the Midtown site. However, once contracts were awarded, the cost estimate was revised to less than \$44 million. At the ESDC's direction, the City requested and was granted the remaining funds of up to \$11 million for reallocation to Midtown site redevelopment efforts led by the City.

Although the contracts for the State-administered work have not yet been finally closed out, the most recent estimate of actual costs is between \$43 and \$44 million. As with the initial \$11 million in savings, the City is requesting that the ESDC authorize the reallocation of the remaining funds of up to \$1 million for costs related to the Midtown Redevelopment Project.

The total \$12 million in reallocated ESDC funding will be used for the construction of a new street grid at the Midtown site, and the reconstruction of: the former Seneca Building; the Midtown parking garage and utilities; and the tunnel.

As explained in legislation submitted separately, a \$1,700,000 grant to Pike will enable the redevelopment of the former Seneca Building for occupan-

cy by Windstream. A link to the Midtown garage will be included; the previous arrangement with PAETEC did not provide for public access to the Midtown garage.

The timing and staging area needs of the project, along with the intersection of the tunnel with the Seneca Building, necessitate that Pike carry out a portion of the reconstruction of the tunnel. The Midtown site work to be undertaken by the City will commence in spring 2012, with that portion of the reconstruction of the tunnel directly to the east of the project to be completed by July 2012 and the complete reconstruction of the tunnel by winter 2012.

Pike needs to start construction by early 2012 in order to achieve its delivery date of August 1, 2013. Given that Pike needs to have immediate staging areas to maintain this schedule, the City will provide up to an additional \$1,500,000 to Pike to reconstruct approximately 40 feet of the tunnel east of the Seneca Building. Pike will construct the portion of the tunnel structure sufficient to provide a 40' wide backfilled bench area such that construction on the project can start on time and be progressed simultaneously with the reconstruction of the remaining tunnel.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-392
(Int. No. 459)

Appropriating Funds For The Midtown Plaza Revitalization Project And Authorizing An Agreement

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

Section 1. There is hereby appropriated from the funds remaining from the asbestos removal and demolition of Midtown Plaza to be received from the New York State Urban Development Corporation d/b/a Empire State Development Corporation, the sum of \$11,000,000 to fund redevelopment costs, reconstruction of the truck and pedestrian tunnels, street construction and utility work, and reconstruction of the Midtown Parking Garage as a part of the Midtown Plaza Revitalization Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Pike Development Company LLC whereby the City shall provide funding for certain site preparation costs and costs related to the reconstruction of and access to the truck and pedestrian tunnels and the Midtown Parking Garage to further the Midtown Urban Renewal Plan.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$3,200,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2011-393
(Int. No. 460)

Authorizing An Application And Agreements For The Midtown Plaza Revitalization Project

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into necessary agreements with the New York State Urban Development Corporation d/b/a Empire State Development Corporation whereby the additional funds remaining from the asbestos removal and demolition of Midtown Plaza will be reallocated to fund Midtown site redevelopment efforts as a part of the Midtown Plaza Revitalization Project.

Section 2. The application 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
December 13, 2011

To the Council:

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

Int. No. 442 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 443 - Authorizing An Agreement With The County Of Monroe For Wayfinding Signage

Int. No. 444 - Authorizing Applications And Agreements For New York State Grants

Int. No. 454 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Turning Point Park Trailhead Improvements Project

Int. No. 461 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The Mt. Hope Avenue Improvement Project, As Amended

Int. No. 462 - Amending Bond Ordinance No. 2011-360 Of The City Of Rochester, New York,

Authorizing The Issuance of Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Jefferson Avenue Revitalization Project In The City And Amending Ordinance No. 2011-359

Int. No. 463 - Resolution Supporting A Project Labor Agreement For The Midtown Redevelopment Project

Int. No. 367 - Amending The Official Map By Abandonment Of Holmdel Place

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

Int. No. 446 - Approving Changes In The Pavement Width Of Newbury Street And Westmount Street

Int. No. 447 - Changing The Traffic Flow On Comfort Street From Two-Way To One-Way Westbound

The following entitled legislation is being held in Committee:

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park West Master Plan

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-394
Re: Agreement - New York State 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 W. 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 authorized by City Council was a one-year extension in November 2010 (Ordinance No. 2010-401). This legislation will extend the agree-

ment through June 30, 2014 as required by the NYSDOT.

The requirement for an agreement for snow removal services on Plymouth Avenue will be eliminated in the future, when jurisdiction of the street is formally transferred from the State to the City.

Under the terms of the proposed agreement, the State will reimburse the City \$56,920 for snow and ice removal performed during the 2011-12 winter, which is \$1,361 more than the year prior.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-394
(Int. No. 442)

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, 2014. 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. 2011-395
Re: Agreement - Monroe County, Center
City Signage

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for fabrication and installation of Center City wayfinding signage.

The agreement will allow the City to utilize the County Department of Transportation, upon request, for the fabrication and installation of signage. The cost for these services shall be unit prices as approved by the City Engineer and funded from the annual budgets of the Department of Environmental Services. It is estimated that expenses will not exceed \$5,000 in any one year.

The term of this agreement will be five years, with five additional five-year extensions upon mutual

consent.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-395
(Int. No. 443)

Authorizing An Agreement With The County Of Monroe For Wayfinding Signage

BE IT 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 fabrication and installation of Center City wayfinding signage. The agreement shall extend for a term of five years, with five additional five-year extensions upon mutual consent.

Section 2. The agreement shall obligate the City of Rochester to pay unit prices as approved by the City Engineer. Said amounts shall be funded from annual Budgets of the Department of Environmental Services, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-396
Re: Grant Applications - FY 2011-12
New York State Consolidated
Funding Application

Transmitted herewith for your approval is legislation which will authorize applications to New York State through the Consolidated Funding Application (CFA) and authorize necessary agreements with New York State to receive the grants. The CFA is the single point of entry for accessing up to \$1 billion in State funding from nine State agencies: Empire State Development; NYS Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; Parks, Recreation, and Historic Preservation; Department of State; and, Department of Transportation.

In September 2011, an interdepartmental team of City managers met to review CFA recommendations prepared by the Department of Environmental Services. Projects recommended for CFA submission were based on current stage of project development, ability to complete the project in the timeframe(s) established by the State agency and ability to obtain matching funds through the Capital

Improvement Program.

The Department of Environmental Services submitted 14 applications through the CFA, summarized as follows:

Project	State Request	Local Match	Total Cost Allocated Funds
Bicycle Enhancements	\$ 125,000	\$ 125,000	\$ 250,000
Erie Harbor - Phase 2	400,000	400,000	800,000
Inner Loop East Reconstruction	14,725,000	5,042,000	21,898,000
Midtown Trans. Infrastructure	9,714,000	6,391,000	25,563,000
Mt Hope Cemetery Perimeter Fence	350,000	350,000	12,682,040
Mt. Hope New Chapel Stabilization*	400,000	100,000	700,000
Norris Drive Green Street	900,000	100,000	350,000
Port Marina Project	7,100,000	7,560,000	500,000
Promenade at Erie Harbor	900,000	900,000	1,000,000
PSB Retro-Commissioning Study	36,515	36,515	0
Rundel Library Fire Suppression*	300,000	150,000	73,030
Sager Drive Green Street	675,000	75,000	36,515
South Riverway Trail Rehabilitation	1,000,000	1,000,000	450,000
St Paul/Clinton Ave 2-way Conversion	612,500	612,500	50,000
			750,000
			2,000,000
			0
			1,225,000
			0

* Previously authorized via Ord. No. 2011-281

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the Capital Improvement Plan.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-150

Ordinance No. 2011-396
(Int. No. 444)

Authorizing Applications And Agreements For New York State Grants

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 State of New York for funding through the Consolidated Funding Application as follows:

<u>Project</u>	<u>State Request</u>	<u>Local Match</u>
Bicycle Enhancements		
\$ 250,000	\$ 125,000	\$ 125,000
Erie Harbor Enhancements - Phase 2		
800,000	400,000	400,000
Inner Loop East Reconstruction		
21,898,000	14,725,000	5,042,000
Midtown Redevelopment Transportation Infrastructure		
25,563,000	9,714,000	6,391,000
Mt Hope Cemetery Perimeter Fence Improvements		
700,000	350,000	350,000
Mt. Hope New Chapel Stabilization*		
500,000	400,000	100,000
Norris Drive Green Street		
1,000,000	900,000	100,000
Port of Rochester Redevelopment (Marina Project)		
19,740,000	7,100,000	7,560,000
Promenade at Erie Harbor		
1,800,000	900,000	900,000
Rundel Library Fire Suppression*		
450,000	300,000	150,000
Sager Drive Green Street		
750,000	675,000	75,000
South Riverway Trail Rehabilitation		
2,000,000	1,000,000	1,000,000
St Paul & N Clinton Two-Way Conversion		
1,225,000	612,500	612,500

*Prior authorization by Council (Ordinance No. 2011-281)

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. 2011-397
Re: Amendatory Agreement - Stantec Consulting Services, Inc., Turning Point Park Trailhead Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc. for additional design and construction phase design services for the Turning Point Park Trailhead Improvements Project. The original agreement (Ord. No. 2009-320) established \$60,000 as maximum compensation. This amendment will increase compensation by \$54,000 to a total of \$114,000. The additional cost will be financed from Department of Environmental Services 2011-12 Cash Capital allocations (\$40,150) and prior years' Cash Capital allocations (\$13,850).

The project includes the design of public improve-

ments, including additional parking, construction of a restroom facility and enhancement of the trail, river overlook and rain gardens. The estimated project cost is \$856,850.

Stantec Consulting Services has completed project planning, preliminary design and technical assistance to secure the New York State Environmental Facilities Corporation Green Innovation Grant (\$552,000, Ordinance No.2011-303). They will provide architectural, mechanical, and electrical engineering design services for the restroom facility and stormwater management engineering services for permeable pavement in the parking lot and rain gardens. These services are required to implement the expanded scope of the project and meet the grant requirements.

Final design will begin in January 2012, with construction scheduled in fall 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-151

Ordinance No. 2011-397
(Int. No. 454)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Turning Point Park Trailhead Improvements Project

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

Section 1. The sum of \$54,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design services for the Turning Point Park Trailhead Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$40,150 shall be funded from the 2011-12 Cash Capital allocation and \$13,850 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-398
Re: Amendatory Agreement - Bergmann Associates, P.C. Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, P.C., Rochester, for addi-

tional design phase services for the Mt. Hope Avenue Improvement Project. The original agreement, authorized in April 2005 (Ord. No. 2005-83), provided \$400,000 for Bergmann's preliminary design of Mt. Hope Avenue (Elmwood to the south City line) and East Henrietta Road (South Avenue to Mt. Hope Avenue). An amendatory agreement for \$1,024,000 was authorized in March 2009 (Ord. No. 2009-70) for the final design of Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) and East Henrietta Road. This proposed amendment will increase maximum compensation by \$104,650 to a total of \$1,528,650. The additional cost will be financed as follows:

\$ 13,600	Federal Highway Administration funds appropriated via Ord. No. 2009-070
2,550	New York State Department of Transportation funds appropriated via Ord. No. 2009-070
850	Prior years Cash Capital allocations - Department of Environmental Services
<u>87,650</u>	Bonds previously authorized for this project via Ord. No. 2010-132
\$104,650	

The project is a Federal-aid transportation project and all project plans and specifications require approval by the New York State Department of Transportation (NYSDOT). Newly enacted procedures of NYSDOT require that all non-standard construction specifications be approved by the NYSDOT Design Quality Assurance Bureau (DQAB). City of Rochester standard specifications, despite being used for years on City construction projects, are considered non-standard by DQAB. The added work to satisfy DQAB requirements is approximately \$17,000 of the requested amendatory agreement.

The remaining portion of the requested amendatory agreement amount, \$87,650, is for added work by Bergmann's real estate and appraisal subconsultant, R. K. Hite & Company. R. K. Hite & Company originally assumed that 27 properties would be impacted by the improvement project. Subsequent to the original contract, three additional properties were added to the project, and the need to acquire temporary easements on 27 of the thirty properties was identified. In addition, R. K. Hite & Company needed to update title information and appraisal reports and reviews due to delays in the project.

Final design will be completed in January 2012, with construction scheduled to begin in spring 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-398
(Int. No. 461, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The

Mt. Hope Avenue Improvement Project

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

Section 1. The sum of \$104,650, or so much thereof as may be necessary, is hereby established as compensation to be paid for an amendatory professional services agreement with Bergmann Associates, P.C. for additional design phase services for the Mt. Hope Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$13,600 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2009-70, \$70,120 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2010-132, ~~[\$2,550]~~ 15,698 shall be funded from anticipated reimbursements from the State of New York appropriated in Ordinance No. 2009-70, ~~[\$87,650]~~ 4,382 shall be funded from Bond Ordinance No. 2010-132 and \$850 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-399
Re: Amending Ordinance Nos. 2011-359
And 2011-360, Jefferson Avenue
Revitalization Project (S. Plymouth
Avenue to W. Main Street)

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-359 and Ordinance No. 2011-360, which authorized the appropriation of \$1,239,000 in federal reimbursements and the issuance of \$129,000 in bonds to finance the costs of the Jefferson Avenue Revitalization Project, a Locally Administered Federal Aid project within the City of Rochester.

Subsequent to the submission of the legislation to Council in November, it was determined that the amount available in reimbursements from the Federal Highway Administration is \$1,249,000, thus reducing the amount of bonding needed for the project by \$10,000. This amendment will increase the FHA appropriation to a total of \$1,249,000 and reduce the amount of bonds authorized to be issued for this project to \$119,000.

All other aspects of Ordinance No. 2011-359 and Ordinance No. 2011-360 remain as originally approved.

A revised summary of funding for the project is included below:

<u>Funding Sources</u>	<u>RPR</u>	<u>Total</u>
<u>Construction</u>		
<u>Contingency</u>		
Federal Aid		
\$1,249,000	\$ -	
\$ -		\$1,249,000
State Aid		
56,063	-	
-		56,063
Focused Investment (City)		
245,700	15,400	
238,900		500,000
City Transportation Cash		
56,008	244,600	
18,092		318,700
City Transportation Bonds		
7,535	-	
111,465		119,000
Total		
\$1,614,306	\$260,000	
\$368,457		\$2,242,763

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2011-399
 (Int. No. 462)

Amending Bond Ordinance No. 2011-360 Of The City Of Rochester, New York, Authorizing The Issuance Of Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Jefferson Avenue Revitalization Project In The City And Amending Ordinance No. 2011-359

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

Section 1. Ordinance No. 2011-360, authorizing the issuance of \$129,000 bonds to finance the cost of the construction and reconstruction of certain streets as a part of the Jefferson Avenue Revitalization Project (South Plymouth Avenue to West Main Street) in the City, is hereby amended by reducing the authorized amount of said bond issuance from \$129,000 to \$119,000. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, remains at \$2,242,763. The amended plan of financing includes the issuance of \$119,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,249,000 appropriated from anticipated reimbursements from the Federal Highway Administration, \$56,063 appropriated from anticipated reimbursements from the State of New York and \$818,700 from current City funds.

Section 2. Ordinance No. 2011-359, authorizing participation in the Jefferson Avenue Revitalization Project, is hereby amended by increasing the appropriation in Section 3 of anticipated aid from the Federal Highway Administration to fund the Jefferson Avenue Revitalization Project from \$1,239,000 to \$1,249,000.

Section 3. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Resolution No. 2011-29
 Re: Resolution - Project Labor Agreement,
 Midtown Redevelopment Project

Transmitted herewith for your approval is legislation adopting a resolution to establish a Project Labor Agreement (PLA) for the implementation of the Midtown Redevelopment Project.

The PLA will be between the Rochester Building and Construction Trades Council, AFL-CIO, and the signatory Local Unions. The Midtown Redevelopment Project was targeted for a PLA based on the scope of the project and the opportunities to increase minority labor participation and to achieve cost savings through direct labor cost reductions, specification of employee benefits and avoidance of labor delays and conflicts. The PLA establishes goals for workforce development of 20% minority and 6.9% women participation and will apply to all trades on the project.

The PLA terms will be included in the contract documents for the proposed construction of truck and pedestrian tunnels, rehabilitation of the Midtown parking garage, and construction of new street grid including site utilities. These projects represent a total estimated cost of \$30 million.

Seeler Engineering, P.C. was retained in September 2011 (Ord. No. 2011-310) to determine the potential cost savings that are a pre-requisite for the PLA and to assist in the negotiation of terms and conditions of a PLA for the Midtown Redevelopment Project. A copy of their report is on file with the Clerk's Office.

The key provisions of the PLA are attached; a draft PLA is also on file with the Clerk's Office.

The work on the Midtown Redevelopment Project covered under the PLA will commence in spring 2012 with completion by summer 2014.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AK-152

Resolution No. 2011-29
 (Int. No. 463)

Resolution Supporting A Project Labor Agreement For The Midtown Redevelopment Project

WHEREAS, because a Project Labor Agreement establishes uniform work and pay schedules and management rights regarding hiring employees and includes provisions prohibiting strikes and other work stoppages by employees and specifying

standard grievance procedures that are applicable to all contractors and unions working on a public improvement project, a Project Labor Agreement is a proven way to effectively manage and maintain time schedules and budgets on that project and to encourage fair competition among contractors by standardizing labor conditions; and

WHEREAS, often public improvement projects involve multiple trades, which may result in project delays if the members of any of those trades strike, and the lack of coordination and cooperation between trades may delay completion of the project; and

WHEREAS, a Project Labor Agreement seeks to reduce the costs of a public improvement project by allowing an agency to understand the labor costs relating to how overtime and other work conditions are defined up-front and by providing stability and structure to the project, since all parties are bound to the terms of the agreement and the Project Labor Agreement takes precedence over any existing collective bargaining agreement between a union and a particular contractor for that project; and

WHEREAS, the City of Rochester seeks to establish a Project Labor Agreement for the Midtown Redevelopment Project, that shall establish work rules, pay rates, and dispute resolution processes, intended to reduce cost overruns and maximize project stability, efficiency and productivity to deliver the project on-time and on budget.

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

Section 1. The Council hereby supports the use of a Project Labor Agreement for the implementation of the Midtown Redevelopment Project. The Council finds that based on the report of Seeler Engineering, P.C. the use of the Project Labor Agreement will result in obtaining the best work for the lowest possible price for the Project. The use of the Project Labor Agreement will also avoid delays. The Project Labor Agreement shall contain the following main terms:

1. The construction work subject to the Project Labor Agreement includes the tunnel to the Rochester Riverside Convention Center, Rehabilitation of the Midtown Garage, creation of open space, and all associated street and utility work. Work excluded from the agreement includes the purchase and installation of new parking revenue equipment, and the relocation and installation of existing parking revenue equipment.
2. Workforce diversity objectives of 20% minority and 6.9% women utilization for all contracts shall be incorporated.
3. There shall be prevention of strikes, lockouts or other job actions for the duration of the Project. Additional terms and conditions of work hours and benefits shall be set forth in the final agreement.

4. A uniform, expedited grievance and arbitration process shall be established.
5. A Labor Management Cooperative Committee to monitor the progress of the Agreement and adherence to the Project Labor Agreement throughout Project construction shall be established.
6. An interim and final report on the compliance with the Project Labor Agreement with respect to all applicable contracts for the Midtown Redevelopment Project shall be provided to the City Council.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Introductory No. 367 was introduced October 11, 2011 and appears in its original form with its transmittal letter on page 359 of the current Council Proceedings.

Ordinance No. 2011-400
(Int. No. 367)

Amending The Official Map By Abandonment Of Holmdel Place

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-401
Re: Pavement Width Changes - Newbury Street Group Curb Replacement Project

Transmitted herewith for your approval is legislation authorizing changes in pavement width required for the Newbury Street Curb Replacement Project as follows:

1. An increase of 4 feet, from 20 feet to 24 feet, on Newbury Street between Ridgeway Avenue and Electric Avenue; and
2. An increase of 4 feet, from 20 feet to 24 feet, on Westmount Street between Ridgeway Avenue and Electric Avenue.

In addition to pavement width changes, this project includes installation of new curbs, driveway aprons, and catch basins; replacement of sidewalks as needed; and topsoil and seed. The estimated cost of construction, including inspection and contingencies is \$360,000 and was planned for in the 2011-12 Capital Improvement Program.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering.

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

A public meeting was held on November 9, 2011. The meeting minutes are available for review in the City Clerk's Office. Traffic Control Board endorsed the pavement width changes at their November 15, 2011 meeting.

It is anticipated that design will be completed in December 2011; construction will begin in spring 2012, with substantial completion by summer 2012.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-154

Ordinance No. 2011-401
(Int. No. 446)

Approving Changes In The Pavement Width Of Newbury Street And Westmount 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 Newbury Street, between Ridgeway Avenue and Electric Avenue, as a part of the Newbury Street Group Curb Replacement Project.

Section 2. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Westmount Street, between Ridgeway Avenue and Electric Avenue, as a part of the Newbury Street Group Curb Replacement Project.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-402
Re: Authorizing a Traffic Flow Change - Comfort Street

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Comfort Street between South Avenue and Mt. Hope Avenue from two-way traffic to one-way westbound traffic.

The Comfort Street westbound one-way is requested as a traffic safety and neighborhood preservation measure by Wedge Point Neighborhood residents. The intersection of South Avenue and Comfort

Street is a high-accident location and, despite changes to parking regulations which increased sight distance, the number of crashes remains high. The change to one-way traffic is expected to reduce the accident rate by eliminating the ability of vehicles to enter the intersection from the west. The change will also preserve valuable on-street parking for neighborhood businesses.

The change to westbound one-way was endorsed by the City's Traffic Control Board at its October 18, 2011 meeting.

A public hearing on the traffic flow change is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-155

Ordinance No. 2011-402
(Int. No. 447)

Changing The Traffic Flow On Comfort 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 on Comfort Street between South Avenue and Mt. Hope Avenue from two-way to one-way westbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 445
Re: Agreement - Bayer Landscape Architecture, PLLC, Genesee Valley Park West Master Plan

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with Bayer Landscape Architecture, PLLC, Honeoye Falls, NY, for development of the Genesee Valley Park West Master Plan, and appropriating \$60,000 from the 2009-10 New York State Department of State, Local Waterfront Revitalization Plan funding to partially finance the agreement. The balance of \$60,000 will be funded from prior years' Cash Capital allocations. The receipt of the LWRP funds was authorized in July 2008 (Ord. No. 2008-269).

The project will include the following:

- Inventory and analysis of current conditions, including: boathouse, pool and ice rink complex, ball fields, tennis courts, vehicular and pedestrian circulation, lodge, play equipment, scenic vista/viewshed, and vegetation

- Historic landscape analysis
- Hydro-geological study of Genesee River shoreline along the immediate project area
- Alternative schematic designs for an expanded/new boathouse and the park
- Recommendations for historic landscape treatments
- Cost estimates
- Recommended implementation strategies and funding sources
- Management and operation recommendations
- Public input sessions
- Recommended master plan with SEQR Long Form Environmental Assessment

A request for proposals was posted on the City's website and sent directly to 21 firms. Nine firms submitted proposals: Bayer Landscape Architecture, PLLC; Bergmann Associates, P.C.; Baron & Loguidice, P.C.; WM Price Design LLC; QPK Design; T.Y. Lin International; edr Companies; McCord Landscape Architecture; and Stantec Consulting Services, Inc. Bayer Landscape Architecture is recommended based on their team qualifications, project knowledge, proposal strength, and ability to complete the project on schedule.

This phase of the project results in the creation/retention of the equivalent of 1.3 full-time jobs. Planning is scheduled to begin in January 2012 and be completed in November 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 445

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE GENESEE VALLEY PARK WEST MASTER PLAN

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

Section 1. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bayer Landscape Architecture, PLLC for preparation of the Genesee Valley Park West Master Plan. Of said amount, \$60,000 is hereby appropriated from funds to be received from the New York State Department of State under the Local Waterfront Revitalization Program, and \$60,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember McFadden
December 13, 2011

To the Council:

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

Int. No. 448 - Authorizing An Agreement For Funding Under The Economic Development Assistance Program And Amending The 2011-12 Budget

Int. No. 450 - Authorizing An Agreement For Funding Under The Metropolitan Medical Response System Program

Int. No. 455 - Authorizing An Amendatory Agreement For Medical Services For The Police And Fire Departments

The following entitled legislation is being held in Committee:

Int. No. 449 - Amending The 2011-12 Budget For The Firefighter Entrance Examination

Respectfully submitted,
Adam C. McFadden
Matt Haag (*Abstained on Int. No. 455*)
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-403
Re: Agreement - Dormitory Authority
Of the State of New York, Economic
Development Capital Assistance
Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of a \$300,000 grant through the Economic Development Capital Assistance Program, and amending the 2011-12 Cash Capital allocation of the Department of Recreation and Youth Services by \$300,000 to reflect the grant.

These funds will provide partial funding for the design and construction of drainage improvements at South Avenue Community Center, and design and construction of concession/storage structures at Ontario Beach Park Baseball Fields and Baden Park. These improvements will provide much needed infrastructure for youth baseball programs at these sites, creating an environment that will enable expansion and enhancement of programs and services.

The DASNY funds were secured through the sponsorship of Senator Joseph Robach. It is anticipated that an agreement with a consultant for design services will be submitted for Council authorization in early spring 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-156

Ordinance No. 2011-403
(Int. No. 448)

Authorizing An Agreement For Funding Under The Economic Development Assistance Program And Amending The 2011-12 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York (DASNY) for funding under the Economic Development Assistance Program for projects at the South Avenue Community Center, Ontario Beach Park Baseball Fields and Baden Park.

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

Section 3. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$300,000, 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. 2011-404
Re: Agreement - New York State Office
Of Homeland Security, Metropolitan
Medical Response System

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Homeland Security for the receipt and use of a \$317,419 grant from the Metropolitan Medical Response System Program (MMRS). Receipt of this grant was anticipated and the funds were included in the 2011-12 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, the purpose of which 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 hazard events

These efforts will continue to allow the City to improve and augment existing emergency preparedness plans and capabilities. Proactive efforts toward community preparedness are essential steps to effectively respond to and minimize the effects of any incident on responders and the community.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-404
(Int. No. 450)

Authorizing An Agreement For Funding Under The Metropolitan Medical Response System Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for funding under the Metropolitan Medical Response System Program (MMRS) for emergency preparedness plans and capabilities.

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. 2011-405
Re: Amendatory Agreement - Strong
Health Occupational and
Environmental Medicine

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Strong Health Occupational and Environmental Medicine (OEM) to extend the term of the current agreement for one year to December 31, 2012. The current contract to provide medical services for sworn employees and disabled retirees of the Roch-

ester Fire Department and Rochester Police Department (Ord. No. 2007-429) expires December 31, 2011. This is a fee for service contract; funding will not exceed funds available in the annual budgets of the Fire Department and Police Department for this purpose.

Strong OEM has satisfactorily provided these services since January 2008. Services include but are not limited to:

- Pre-employment medical examinations and assessments
- Evaluation, treatment (acute care and emergency care), and case management for on-duty injuries and illnesses
- Return to work and/or fitness for duty examinations for off-duty injuries or illnesses
- Fitness-for-duty examinations
- Required miscellaneous examinations and immunizations
- Provision of referrals to specialists as needed
- Provision of the services of a Medical Review Officer
- Other care and/or examinations as deemed appropriate

Maintaining continuum of care in relation to health data, patient-provider relationship, and clinical management is essential to promoting health and wellness for City sworn personnel and is the primary reason for recommending an additional year with Strong OEM. Strong OEM has worked well over the past four years with City staff to transition from the previous carrier who provided services to the City for over 20 years. Fees paid directly to Strong OEM since 2008 are as follows: \$277,101 (2008-09); \$258,176 (2009-10); and \$276,162 (2010-2011).

Strong OEM has requested a modest increase in fees for this one-year extension primarily representing cost of living adjustments. A revised list of services and fees will be provided.

Over the period of this one-year extension, an inter-departmental team will be formed to evaluate the current contract and determine the need to issue a request for proposal. It is expected that the team's recommendation for a new contract would be made in September 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2011-405
(Int. No. 455)

Authorizing An Amendatory Agreement For Medical Services For The Police And Fire Departments

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 Strong Health Occupational & Environmental Medicine for medical services for sworn employees and disabled retirees of the Rochester Police and Fire Departments for an additional term of one year. The agreement shall provide for all regular medical services and for additional special services, the fees for which shall be established in the agreement and which shall not exceed funds available in the annual budgets for the Rochester Police and Fire Departments and in Undistributed Expense for this purpose.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Haag abstained; he is employed by the University of Rochester.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 449
Re: Budget Amendment - Firefighter Entrance Exam Recruitment and Administration

Transmitted herewith for your approval is legislation amending the 2011-12 Budget to cover the costs related to the Firefighter entrance exam recruitment and exam administration. A total of \$155,400 will be transferred from Contingency as follows:

- \$56,300 to the Fire Department for exam recruitment;
- \$79,700 to the Bureau of Human Resource Management for test administration; and
- \$19,400 to Undistributed for associated benefit costs.

The below table itemizes the costs for each department.

<u>RFD</u>	
Recruitment for Firefighter Entrance Exam	\$ 56,300
Fire Total	<u>\$ 56,300</u>

BHRM	
Rental of Venues for Exam	
Components and Oral Rating	\$ 16,000
Salaries for Proctors	35,000
Salaries for Oral Raters	25,000
Office Supplies	<u>3,700</u>
BHRM Total	\$ 79,700

<u>Undistributed</u>	
Undistributed for BHRM	\$ 5,700
Undistributed for RFD	<u>13,700</u>
Undistributed Total	\$ 19,400

Total	\$155,400
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The exam, developed by Morris and McDaniel Management Consultants, through a previously authorized agreement (Ord. 2011-257), includes reading, writing, and oral components. Firefighter recruitment and testing will put a priority on ensuring that applicants from all backgrounds are included to create a diverse pool of qualified candidates. It is anticipated that the reading comprehension and writing components of the exam will be administered on January 21, 2012; and the oral component will be administered over a series of four to five days in February 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 449

AMENDING THE 2011-12 BUDGET FOR THE FIREFIGHTER ENTRANCE EXAMINATION

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is hereby further amended by transferring from the Contingency Allocation the sum of \$56,300 to the Rochester Fire Department, \$79,700 to the Bureau of Human Resource Management, and \$19,400 to Undistributed Expense, to fund the Firefighter Entrance Examination recruitment and administration.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

President Warren moved to amend Int. No. 429A

Councilmember Conklin seconded the motion.

Adopted by the following vote:

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

Nays - None - 0.

Ordinance No. 2011-385
(Int. No. 429A)

Establishing Maximum Compensation For A Professional Services Agreement For The Drug And Alcohol Testing Program For Applicants, As Amended

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

Section 1. The sum of \$[164,556] 82,278, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Energetix for administration of the drug and alcohol testing program for applicants for employment positions for which drug testing is required by law, for a term of three years. Said amount shall be funded from the 2011-12 and subsequent Budgets for Undistributed Expense, contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 8:37 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

**SPECIAL MEETING
DECEMBER 29, 2011**

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

Absent - Councilmember Ortiz - 1.

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

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

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

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2011-406
Re: Drug Testing of Candidates for Employment

Transmitted herewith for your approval is legislation authorizing the expansion of the drug testing program that was approved by Ordinance No. 2011-385 to include drug testing as a condition of employment for all new hires. The cost of implementing this program will be covered by the total

amount (\$164,556) previously approved in Ordinance No. 2011-385 and Ordinance No. 2011-376 as maximum compensation for agreements with Energetix to provide the testing for a three-year term.

This legislation will ensure the continuation of the City's current policy concerning pre-employment drug testing which was adopted in 2009 and is consistent with recommendations of the Society of Human Resource Management.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AK-157

Ordinance No. 2011-406
(Int. No. 469)

Approving Drug Testing Of Candidates For Employment

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

Section 1. The Council hereby authorizes the expansion of the drug testing program for applicants authorized by Ordinance No. 2011-385 to include drug testing of all candidates selected for employment by the City, thereby reaffirming the current City policy regarding pre-employment drug testing. The total amount approved in Ordinances No. 2011-376 and 2011-385 shall be available as the maximum compensation which may be provided in an agreement or agreements to effectuate the drug and alcohol testing programs authorized by said ordinances and this ordinance.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, Miller, Palumbo, Spaul - 5.

Nays - Councilmembers Conklin, McFadden, Scott - 3.

Introductory No. 449 was introduced November 13, 2011 and appears in its original form with its transmittal letter on page 425 of the current Council Proceedings.

Attachment No. AK-158

Ordinance No. 2011-407
(Int. No. 449, As Amended)

Amending The 2011-12 Budget For The Fire-fighter Entrance Examination

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

Section 1. Ordinance No. 2011-188, the 2011-12 Budget of the City of Rochester, as amended, is

hereby further amended by transferring from the Contingency allocation the sum of \$56,300 to the Rochester Fire Department, \$[79,700] 61,000 to the Bureau of Human Resource Management, and \$[19,400] 15,900 to Undistributed Expense, to fund the Firefighter Entrance Examination recruitment and administration.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 4:49 p.m.

DANIEL B. KARIN
City Clerk

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**ITEMS HELD IN COMMITTEE AS OF
DECEMBER 31, 2011**

Held March 17, 2010

Int. No. 119 - Amending Ordinance No. 2008-134, Relating To The Frederick Douglass Apartments Project Neighborhood & Business Development Committee

Held April 13, 2010

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For Placement Services Finance Committee

Held June 15, 2010

Int. No. 272 - Local Law Amending The City Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment Finance Committee

Held July 20, 2010

Int. No. 289 - Approving Consolidated Plan Rental Market Fund Programs Neighborhood & Business Development Committee

Int. No. 312 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Police Mobile Data Terminals Public Safety, Youth & Recreation Committee

Held December 14, 2010

Int. No. 478 - Authorizing The Acquisition Of Parcels For Parking For The Public Market Neighborhood & Business Development Committee

Int. No. 496 - Establishing Maximum Compensation For A Professional Services Agreement For Monitoring Of The Hillside Work Scholarship Connection Program Public Safety, Youth & Recreation Committee

Held January 25, 2011

Int. No. 4 - Amending Chapter 66 Of The Municipal Code, Junkyard Operators, Junk Dealers And Scrap Processors Finance Committee

Int. No. 5 - Amending Chapter 80 Of The Municipal Code, Pawnbrokers Finance Committee

Int. No. 6 - Amending Chapter 96 Of The Municipal Code, Secondhand Dealers Finance Committee

Held May 24, 2011

Int. No. 181 - Approving An Increase In The Pavement Width Of Akron Street From Atlantic Avenue To East Main Street Jobs, Park & Public Works Committee

Held July 19, 2011

Int. No. 296 - Amending The Municipal Code With Respect To Fines And Penalties For Violations Finance Committee

Int. No. 301 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, With Respect To Nonconforming Uses Neighborhood & Business Development Committee

Held August 16, 2011

Int. No. 332 - Local Law Amending The City Charter With Respect To A Vacancy In The Office Of Mayor Committee of the Whole

Held November 15, 2011

Int. No. 402 - Changing The Zoning Classification Of 18-20 And 24 Fort Hill Terrace From R-1 Low Density Residential To C-V Collegetown Village Neighborhood & Business Development Committee

Held December 13, 2011

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Master Plan Jobs, Parks & Public Works Committee

Int. No. 465 - Authorizing The Bulk Sale Of Delinquent Tax Liens Finance Committee

**INDEX 2011
ABBREVIATIONS**

Acq. - Acquire, Acquisition	L.I.O. - Local Improvement Ordinance
Admin. - Administration	L.L. - Local Law
Adpt. - Adopt, Adopted	Lftd. - Lifted
Agree. - Agreement	Litig. - Litigation
Amend. - Amending, Amendment	Maint. - Maintenance
Appl. - Application	Max. - Maximum
Approp. - Appropriate, Appropriating	Mgr. - Manager
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointments(s)	Ofc. - Office
Assist. - Assistance	Off. - Official
Auth. - Authority, Authorize	Ord. - Ordinance
Bldg. - Building	Pav. - Pavement
CHDO - Community Housing Development Organization	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commercial, Commission, Committee, Community	Pssd., - Passed
Comp. - Compensation	Pub. - Public
Conserv. - Conservation	Purch. - Purchase
Constr. - Construction	R.E. - Real Estate
Ctr. - Center	R.O.W. - Right-of-Way
Dedica. - Dedicate, Dedication	Rec. - Recreation
Demon. - Demonstration	Rehab. - Rehabilitate, Rehabilitation
Designa. - Designate	Rej. - Reject
Dev. - Development	Renew. - Renewal
Est(s). - Estimate(s)	Resi. - Residential
Ext. - Extension	Reso. - Resolution
Facil. - Facilities	Rev. - Revenue
FY - Fiscal Year	Roch. - Rochester
Gar. - Garage	Svs. - Services
Hear. - Hearing	Tbld. - Tabled
Incr. - Increase	Tech. - Technology
Indus. - Industrial	Tr. - Transmittal
Int. - Introduced, Introductory	Var. - Various
	Wid. - Width
	Zon. - Zoning

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AC CENTER, INC.

Auth. agree. for Housing Opportunities for Persons with AIDS Program and amend. Ord. No. 2008-86 and 2009-64, Tr. letter, 216, Pssd., 217

AC DELCO SITE

Establishing max. comp. for professional svcs. agree. for cleanup of former AC Delco Appliance site, Tr. letter, 54, Pssd., 55

Bond ord. auth. issuance of \$2,000,000 bonds to finance cost of asbestos abatement, demo. and remediation of former AC Delco Facility parcels, Tr. letter, 318, Pssd., 320

ACM MEDICAL LABORATORY, INC.

Auth. agree. for Lead Hazard Control Program, Tr. letter, 41, Pssd., 41

ACTION FOR A BETTER COMMUNITY, INC.

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

Auth. agree. and approp. funds for Focused Investment Strategy Proj., Tr. letter, 300, Pssd., 301

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

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ADAMS STREET COMMUNITY CENTER

Auth. agree. with City School Dist. for joint use and maint. of facilities, Tr. letter, 139, Held, 139, Pssd., 236

ADMINISTRATIVE SERVICES

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Auth. agree. with Quad A for Kids, Tr. letter, 235, Pssd., 236

AGING IN PLACE HOME MODIFICATION PROGRAM

Auth. agree. for Emergency Assistance Repair Program and Aging In Place Home Modification Program, Tr. letter, 43, Pssd., 43

Approv. Consolidated Plan Rental Mkt. Fund Programs and amend. 2008-09 Community Dev. Plan and Ord. No. 2009-106, Tr. letter, 210, Pssd., 211

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

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Auth. agree. for Housing Opportunities for Persons with AIDS Program and amend. Ord. No. 2008-86 and 2009-64, Tr. letter, 216, Pssd., 217

Auth. agree. for funding for sex offender registry violations enforcement, Tr. letter, 236, Pssd., 236

AKRON STREET

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Establishing max. comp. for professional svcs. agree. for drug and alcohol testing program for employees, Tr. letter, 398, Pssd., 399

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ALLEN STREET

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Auth. agree. for towing svcs., Tr. letter, 326, Pssd., 327

ALLPRO PARKING LLC

Auth. agree. for parking garage svcs., Tr. letter, 244, Pssd., 244

ALPINE SOFTWARE CORPORATION

Establishing max. comp. for professional svcs. agree. for computerized records management system for Roch. Fire Dept., Tr. letter, 62, Pssd., 63

Establishing max. comp. for professional svcs. agree. for computerized records management system modules for Fire Dept., Tr. letter, 299, Pssd., 300

ALTERNATIVES FOR BATTERED WOMEN, INC.

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AMERICAN TAX FUNDING SERVICING, LLC

Auth. bulk sale of delinquent tax liens, Tr. letter, 407, Held, 407

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Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

Auth. agree. for funding for sex offender registry violations enforcement, Tr. letter, 236, Pssd., 236

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Auth. agree. for Youth Voice, One Vision, Tr. letter, 361, Pssd., 362

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Bond ord. auth. issuance of \$8,535,000 bonds to finance cost of constr. of Rush Reservoir Lin-

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Bond ord. auth. issuance of \$608,000 bonds to finance reconstruction of var. water mains related to E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 182

Bond ord. auth. issuance of \$29,000,000 bond to finance preliminary costs of reconstruction of var. public school bldgs. as part of Roch. City School Dist. Facilities Modernization Program,

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Bond ord. auth. issuance of \$125,000 bonds to finance cost of design and reconstruction of infrastructure supporting City's Upland Water Supply Conduit, Tr. letter, 225, Pssd., 226

Bond ord. auth. issuance of \$60,000 bonds to finance add. cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 226, Pssd., 228

Bond ord. auth. issuance of \$694,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$115,000 bonds to finance reconstruction of var. water mains related to Capron St. and South Ave. Ext. Improvement Proj., Tr. letter, 229, Pssd., 232

Bond ord. auth. issuance of \$84,000 bonds to finance add. cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 241, Pssd., 242

Bond ord. auth. issuance of \$380,000 bonds to finance milling and resurfacing of certain streets related to Central Ave. Group Preventive Maint. Proj., Tr. letter, 270, Pssd., 271

Amend. Ord. No. 2011-177, Auth. bonds for Facilities Modernization Program, Tr. letter, 283, Pssd., 284

Bond ord. auth. issuance of \$425,000 to finance cost of constr. and reconstruction of certain streets as part of Harper St. Group Curb Replacement Proj., Tr. letter, 296, Pssd., 297

Bond ord. auth. issuance of \$225,000 bonds to finance cost of reacquisition of 250 Science Parkway in Roch. Science Park, Tr. letter, 314, Pssd., 315

Bond ord. auth. issuance of \$2,000,000 bonds to finance cost of asbestos abatement, demo. and remediation of former AC Delco Facility parcels, Tr. letter, 318, Pssd., 320

Bond ord. auth. issuance of \$290,000 bonds to finance add. cost of constr. of Manhattan Sq. Park Improvements Proj., Tr. letter, 320, Pssd., 322

Bond ord. auth. issuance of \$1,302,000 bonds to finance reconstruction of certain streets related to 2011 Milling and Resurfacing Programs, Tr. letter, 322, Pssd., 323

Bond ord. auth. issuance of additional cost of design and reconstruction of City's S. Clinton Ave. water supply conduit located in Town of Brighton, Tr. letter, 346, Pssd., 347

Bond ord. auth. issuance of \$129,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 386

Bond ord. auth. issuance of \$1,350,000 bonds to finance cost of engineering svcs. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 387

Amend. Bond Ord. No. 2011-360 auth. issuance of bonds to finance cost of constr. and reconstruction of certain streets as part of Jefferson Ave. Revitalization Proj. and amend. Ord. No. 2011-359, Tr. letter, 419, Pssd., 420

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

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Bond ord. auth. issuance of \$455,000 bonds to finance additional cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 84, Pssd., 85

Amend. 2011-12 Budget and establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Rails-to-Trails Conversion Proj., Tr. letter, 318, Pssd., 318

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Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 179, Pssd., 183

Auth. acq. of parcels from Roch. Urban Renewal Agency, Tr. letter, 179, Pssd., 183

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 375, Pub. hear., 363, Pssd., 376

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Auth. sale of portion of 1315 S. Plymouth Ave., Tr. letter, 108, Pssd., 109

Establishing max. comp. for amend. professional svcs. agree. for Brooks Landing Revitalization Proj., Tr. letter, 226, Pssd., 227

Bond ord. auth. issuance of \$60,000 bonds to finance add. cost of improvements to Genesee

Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 226, Pssd., 228

Establishing max. comp. for professional svcs. agree. for Brooks Landing Revitalization Proj. and amend. Ord. No. 2011-218, Tr. letter, 241, Pssd., 241

Bond ord. auth. issuance of \$84,000 bonds to finance add. cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 241, Pssd., 242

Amend. Brooks Landing Urban Renewal Plan and Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 289, Pub. hear., 280, Pssd., 290

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Reso. approving appts. to Nuisance Points Advisory Board, Tr. letter, 33, Adpt., 33

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Auth. agree. for Brownfield Redevelopment Cleanup Grant for 62-64 Scio St., Tr. letter, 292, Pssd., 293

Auth. appl. and agree. for Brownfields Opportunity Area Grants for Bull's Head Neighborhood, Tr. letter, 310, Pssd., 311

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Establishing max. comp. svcs. agree. for appraisal svcs., Tr. letter, 244, Pssd., 245

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Amend. 2010-11 Budget for green fueling station, Tr. letter, 49, Pssd., 50

Amend. 2010-11 Budget for Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 58, Pssd., 59

Amend. 2010-11 Budget for Emergency Communications Dept., Tr. letter, 62, Pssd., 62

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Auth. agree. for Mt. Hope Cemetery grant and amend. 2010-11 Budget, Tr. letter, 75, Pssd., 76

Auth. grant agree., approp. funds and amend. 2010-11 Budget for University Ave. and ARTWalk Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

Amend. Ord. No. 2010-444, relating to Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 94, Pssd., 95

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Amend. 2010-11 Budget by approp. Forfeiture Funds for operations of GRANET, Tr. letter, 97, Held, 98, Pssd., 100

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Amend. 2010-11 Budget for a soccer field for the Blue Cross Arena at the War Memorial, Tr. letter, 159, Pssd., 160

Auth. amend. agree. with County of Monroe for green fueling stations and amend. 2010-11 Budget, Tr. letter, 172, Pssd., 173

Auth. agree. for Operation Impact Warrant Initiative and amend. 2010-11 Budget, Tr. letter, 186, Pssd., 186

Amend. 2010-11 Budget, Tr. letter, 198, Pssd., 199

Amend. 2010-11 and 2011-12 Budget and Ord. No. 2011-52, Tr. letter, 282, Pssd., 283

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Approv. 2011-12 operating and capital budgets of Cultural Ctr. Commission, Tr. letter, 156, Pssd., 157

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Adoption of budget ests. for school purposes for fiscal year commencing July 1, 2011 and expiring June 30, 2012, and approp. of sums set forth therein, Tr. letter, 199, Pub. hear., 191, Pssd., 202

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Auth. agree. for funding for Summer of Opportunity Program and amend. 2011-12 Budget, Tr. letter, 275, Pssd., 275

Amend. 2011-12 Budget by approp. forfeiture funds for operations of GRANET, Tr. letter, 276, Pssd., 276

Auth. agree. with respect to Proj. IMPACT VIII and amend. 2011-12 Budget, Tr. letter, 276, Pssd., 277

Amend. 2010-11 and 2011-12 Budget and Ord. No. 2011-52, Tr. letter, 282, Pssd., 283

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 298, Pssd., 299

Auth. agree. for Clarissa St. Reunion and amend. 2011-12 Budget, Tr. letter, 305, Pssd., 306

Amend. 2011-12 Budget and establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Rails-to-Trails Conversion Proj., Tr. letter, 318, Pssd., 318

Amend. 2011-12 Budget with respect to Police Dept., Tr. letter, 331, Pssd., 332

Amend. 2011-12 Budget relating to cemetery funds, Tr. letter, 347, Pssd., 348

Auth. agree. for Community Emergency Response Team (CERT) and amend. 2011-12 Budget, Tr. letter, 363, Pssd., 364

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 388, Pssd., 389

Auth. agree. for Tobacco Sales Enforcement

Program and amend. 2011-12 Budget, Tr. letter, 390, Pssd., 391

Auth. amend. agree. for Homeland Security funding and amend. 2011-12 Budget, Tr. letter, 391, Pssd., 392

Amend. 2011-12 Budget, Tr. letter, 401, Pssd., 402

Amend. 2011-12 Budget for Midtown Plaza Site costs, Tr. letter, 403, Pssd., 403

Approv. library grant and amend. 2011-12 Budget, Tr. letter, 403, Pssd., 404

Auth. agree. for funding under Economic Dev. Assistance Program and amend. 2011-12 Budget, Tr. letter, 423, Pssd., 424

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Auth. appl. and agree. for Brownfields Opportunity Area Grants for Bull's Head Neighborhood, Tr. letter, 310, Pssd., 311

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Establishing max. comp. for professional svcs. agree. for business dev. svcs., Tr. letter, 115, Pssd., 115

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Establishing max. comp. for professional svcs. agree. for Jefferson Ave. Water Main Replacement Proj. and water filtration, Tr. letter, 167, Pssd., 170

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Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$694,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$115,000 bonds to finance reconstruction of var. water mains related to Capron St. and South Ave. Ext. Improvement Proj., Tr. letter, 229, Pssd., 232

L.I.O. - Areaway abandonment at 238-242 South Ave. as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pub. hear., 191, Pssd., 23

Auth. amend. parking lot lease and sale of portion of 33 Capron St., Tr. letter, 309, Pssd., 310

CARBON MONOXIDE DETECTORS

Approp. funds for smoke and carbon monoxide detectors, Tr. letter, 362, Pssd., 363

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Establishing max. comp. for amend. professional svcs. agree. for outplacement svcs., Tr. letter, 105, Pssd., 105

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Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to Carter St. and amend. Ord. No. 2011-119, Tr. letter, 228, Pub. hearing, 191, Pssd., 229

CASCADE AREA URBAN RENEWAL PLAN

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Bond ord. auth. issuance of \$345,000 bonds to finance cost of constr. and reconstruction of streets, sidewalks and water mains to effectuate Cascade Area Urban Renewal Plan, Tr. letter, 110, Pssd., 111

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Establishing max. comp. for professional svcs. agree. for cathodic protection program for water system, Tr. letter, 320, Pssd., 320

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

Auth. amend. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 308, Pssd., 309

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

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Auth. agree. for Mt. Hope Cemetery grant and amend. 2010-11 Budget, Tr. letter, 75, Pssd., 76

Establishing max. comp. for amend. professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 127, Pssd., 127; Tr. letter, 293, Pssd., 293

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Amend. Chapter 43 of Mun. Code, Cemeteries, Tr. letter, 347, Pssd., 359

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CENTER FOR DISPUTE SETTLEMENT, INC.

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 278, Held, 279, Pssd., 300

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CENTER FOR YOUTH

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 185, Pssd., 186

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 239, Pssd., 240

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Bond ord. auth. issuance of \$380,000 bonds to finance milling and resurfacing of certain streets related to Central Ave. Group Preventive Maint. Proj., Tr. letter, 270, Pssd., 271

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CHESTNUT SQUARE, LLC

Auth. amend. lease agree. for lease of Mun. Lot #18, Tr. letter, 145, Pssd., 146

CHESTNUT STREET

Approv. geometric changes and changes in pav. width of Chestnut St., Court St., Manhattan Square Dr., Broadway and E. Broad St., and removal of James St. roadway as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 60, Pub. hear., 32, Pssd., 62

Approv. geometric changes and changes in pav. width of Chestnut St., Court St., Manhattan Square Dr., Broadway and E. Broad St., and removal of James St. roadway as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 60, Pub. hear., 32, Pssd., 62

Establishing max. comp. for professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 180

Bond ord. auth. issuance of \$4,033,000 bonds to finance cost of constr. and reconstruction of certain streets as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 181

Bond ord. auth. issuance of \$608,000 bonds to finance reconstruction of var. water mains related to E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 182

Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 179, Pssd., 183

Auth. acq. of parcels from Roch. Urban Renewal Agency, Tr. letter, 179, Pssd., 183

Auth. acq. by negotiation or condemnation of temporary easements and parcels for E. Broad St./Chestnut St./Court St. Improvement Proj. and amend. Ord. No. 2010-133, Tr. letter, 179, Pssd., 184

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Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 239, Pssd., 240

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Auth. sale of portion of 1315 S. Plymouth Ave., Tr. letter, 108, Pssd., 109

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L.L. amend. City Charter with respect to Retirement Reserve Fund, Tr. letter, 245, Pssd., 246

L.L. amend. City Charter with respect to power to fix salaries, Tr. letter, 245, Pssd., 246

L.L. amend. City Charter with respect to Deputy Mayor, Tr. letter, 302, Pssd., 302

L.L. amend. City Charter with respect to vacancy in Office of Mayor, Tr. letter, 302, Held, 303

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Bond ord. auth. issuance of \$29,000,000 bond to finance preliminary costs of reconstruction of var. public school bldgs. as part of Roch. City School Dist. Facilities Modernization Program, Tr. letter, 189, Pssd., 190

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Auth. appl. and agree. for 2011 Summer Food Service Program for Children, Tr. letter, 235, Pssd., 235

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Auth. agree. for Community Emergency Response Team (CERT) and amend. 2011-12 Budget, Tr. letter, 363, Pssd., 364

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Auth. agree. for Clarissa St. Reunion and amend. 2011-12 Budget, Tr. letter, 305, Pssd., 306

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Auth. agree. for Eastman and Genesee Riverway Urban Trail Linkages Proj., Tr. letter, 170, Pssd., 171

Establishing max. comp. for professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 180

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

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see St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

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Establishing max. comp. for professional svcs. agree. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 386

Bond ord. auth. issuance of \$1,350,000 bonds to finance cost of engineering svcs. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 387

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Auth. amend. 2003-04 Community Dev. Program Plan for Marketview Heights Assn. Rental Housing Proj. and amend. Ord. No. 2003-338 and 2008-210, Tr. letter, 116, Pub. hear., 100, Pssd., 117

Approv. Consolidated Plan Rental Mkt. Fund Programs and amend. 2008-09 Community Dev. Plan and Ord. No. 2009-106, Tr. letter, 210, Pssd., 211

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Amend. 2010-11 Consolidated Community Dev. Plan and Ord. No. 2010-361 relating to Frederick Douglass Apt. Proj., Tr. letter, 220, Pub. hear., 191, Pssd., 220

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Establishing max. comp. for professional svcs. agree. for Rundel Library lighting installation, Tr. letter, 130, Pssd., 131

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Auth. amend. agree. with County of Monroe for green fueling stations and amend. 2010-11 Budget, Tr. letter, 172, Pssd., 173

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Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 346, Pssd., 346

Establishing max. comp. for professional svcs. agree. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 386

Establishing max. comp. for amend. professional svcs. agree. for Turning Point Park Trailhead Improvements Proj., Tr. letter, 418, Pssd., 418

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Auth. amend. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 308, Pssd., 309

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L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. and auth. agree., Tr. letter, 120, Pub. hear., 101, Pssd., 121

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Establishing max. comp. for professional svcs. agree. for employee assistance program, Tr. letter, 398, Pssd., 399

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Auth. acq. by negotiation or condemnation of temporary easements and parcels for E. Broad St./Chestnut St./Court St. Improvement Proj. and amend. Ord. No. 2010-133, Tr. letter, 179, Pssd., 184

Bond ord. auth. issuance of \$60,000 bonds to finance add. cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 226, Pssd., 228

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

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Auth. sale of property along Genesee River and release of easement, Tr. letter, 410, Pssd., 411

Auth. sale of portion of 245 E. Main St. and additional rights to said parcel to further the Midtown Urban Renewal Plan and auth. easements, Tr. letter, 411, Pub. hear., 393, Pssd., 414

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Changing zoning class. of parcels at 850 and 900 East Ave., 16 Portsmouth Terr. and 911-913 University Ave. from R-2 Medium-Density Residential, and 930 East Ave. from R-3 High-Density Residential, to PD #14 - George Eastman House, Tr. letter, 311, Pub. hear., 304, Pssd., 314

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Establishing max. comp. for professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 180

Bond ord. auth. issuance of \$4,033,000 bonds to finance cost of constr. and reconstruction of certain streets as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 181

Bond ord. auth. issuance of \$608,000 bonds to finance reconstruction of var. water mains related to E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 182

Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 179, Pssd., 183

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Auth. acq. by negotiation or condemnation of temporary easements and parcels for E. Broad St./Chestnut St./Court St. Improvement Proj. and amend. Ord. No. 2010-133, Tr. letter, 179, Pssd., 184

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Approv. property tax exemption and auth. lieu-of-tax agree. for East House-State St. Apt. Proj., Tr. letter, 112, Pssd., 113

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Auth. agree. with Windstream Corp. to further Midtown Urban Renewal Plan and repealing Ord. No. 2011-104, Tr. letter, 412, Pssd., 413

Auth. sale of portion of 245 E. Main St. and additional rights to said parcel to further the Midtown Urban Renewal Plan and auth. easements, Tr. letter, 411, Pub. hear., 393, Pssd., 414

Auth. loan agree. for reconstruction of former Seneca Bldg., Tr. letter, 411, Pssd., 414

EASTERLY, PETER J.

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 4, Adpt., 4

EASTMAN AND GENESEE RIVERWAY URBAN TRAIL LINKAGES PROJECT

Auth. agree. for Eastman and Genesee Riverway Urban Trail Linkages Proj., Tr. letter, 170, Pssd., 171

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM

Auth. agree. for funding under Economic Dev. Assistance Program and amend. 2011-12 Budget, Tr. letter, 423, Pssd., 424

ECONOMIC DEVELOPMENT SUPPORT SERVICES

Auth. agree. for economic dev. support svcs., Tr. letter, 214, Pssd., 215

EL CAMINO: BUTTERHOLE-SENECA PARK TRAIL IMPROVEMENT PROJECT

Establishing max. comp. for professional svcs. agree. for El Camino: Butterhole-Seneca Park Trail Improvement Proj. and amend. Ord. No. 2007-388, Tr. letter, 171, Pssd., 172

Auth. implementation and funding of El Camino: Butterhole-Seneca Park Trail Improvement Proj., Tr. letter, 171, Pssd., 172

ELECTIONS

Reso. establishing date for special election of mayor, Tr. letter, 1, Held, 1, Adpt., 5

Amend. 2010-11 Budget and Ord. No. 2011-52, Tr. letter, 105, Pssd., 106

ELECTRICAL EXAMINING BOARD

Reso. approving appt. to Elevator Examining Board, Tr. letter, 39, Adpt., 39

Reso. approving reappointments to Electrical Examining Board, Tr. letter, 409, Adpt., 410

ELECTRICAL LICENSING

Amend. Chapter 49 of Mun. Code, Electrical

Licensing Ord., Tr. letter, 334, Pssd., 341

ELECTRICITY

Auth. amend. agree. for supply of electricity to City facilities, Tr. letter, 53, Pssd., 53

ELEVATOR EXAMINING BOARD

Reso. approving appt. to Elevator Examining Board, Tr. letter, 373, Adpt., 373

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

ELMWOOD AVENUE

Changing zoning class. of 814 Elmwood Ave. and 19 Cook St. from R-1 Low Density Residential to C-V Collegetown Village, Tr. letter, 115, Pub. hear., 101, Held, 120, Pssd., 161

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EMERGENCY ASSISTANCE REPAIR PROGRAM

Auth. agree. for Emergency Assistance Repair Program and Aging In Place Home Modification Program, Tr. letter, 43, Pssd., 43

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

EMERGENCY COMMUNICATIONS CENTER/DEPARTMENT

Amend. 2010-11 Budget for Emergency Communications Dept., Tr. letter, 62, Pssd., 62

Establishing max. comp. for professional svcs. agree. for emergency telephone notification svcs., Tr. letter, 139, Pssd., 140

Establishing max. annual comp. for professional svcs. agree. for 911 Center telephone systems, Tr. letter, 184, Pssd., 185

L.L. amend. City Charter with respect to 311 Call Ctr., Tr. letter, 199, Pssd., 204

EMERGENCY PREPAREDNESS

Auth. agree. for funding under Metropolitan Medical Response System Program, Tr. letter, 424, Pssd., 424

EMERGENCY SHELTER GRANT PROGRAM

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

EMERGENCY TELEPHONE NOTIFICATION SERVICES

Establishing max. comp. for professional svcs. agree. for emergency telephone notification svcs., Tr. letter, 139, Pssd., 140

EMERSON STREET

Establishing max. comp. for professional svcs. agree. for Emerson-Locust Connector St. and amend. Ord. No. 2011-65, 2011-64 and 2011-83, Tr. letter, 129, Pssd., 130

EMPIRE JUSTICE CENTER

Approving Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 212, Pssd., 213

EMPIRE STATE DEVELOPMENT CORPORATION

See "New York State, Empire State Development Corporation"

EMPLOYEE ASSISTANCE PROGRAM

Establishing max. comp. for professional svcs. agree. for employee assistance program, Tr. letter, 398, Pssd., 399

EMPLOYER ASSISTED HOUSING INITIATIVE

Auth. amend. 2003-04 Community Dev. Program Plan for Marketview Heights Assn. Rental Housing Proj. and amend. Ord. No. 2003-338 and 2008-210, Tr. letter, 116, Pub. hear., 100, Pssd., 117

EMPLOYMENT STORE

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

ENERGETIX

Establishing max. comp. for professional svcs. agree. for drug and alcohol testing program for applicants, Tr. letter, 398, Failed, 399, Pssd., 426

Establishing max. comp. for professional svcs. agree. for drug and alcohol testing program for employees, Tr. letter, 398, Pssd., 399

ENERGY

Establishing max. comp. for amend. professional svcs. agree. for Public Mkt. Solar Panel Installation, Tr. letter, 126, Pssd., 127

Establishing max. comp. for professional svcs. agree. for Hydrokinetic Energy Study, Tr. letter, 224, Pssd., 225

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

ENFORCEMENT PROCEDURES

Amend. Chapter 52 of Mun. Code, Enforcement Procedures, Tr. letter, 70, Pssd., 72

ENGINEERING SERVICES

Establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Proj., Tr. letter, 19, Pssd., 20

Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 52, Pssd., 53

Establishing max. comp. for amend. professional svcs. agree. for Public Mkt. Solar Panel Installation, Tr. letter, 126, Pssd., 127

Establishing max. comp. for amend. professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 127, Pssd., 127

Establishing max. comp. for professional svcs. agree. for Emerson-Locust Connector St. and amend. Ord. No. 2011-65, 2011-64 and 2011-83, Tr. letter, 129, Pssd., 130

Establishing max. comp. for professional svcs. agree. for Rundel Library lighting installation, Tr. letter, 130, Pssd., 131

Establishing max. comp. for professional svcs. agree. for Lake Ave. Improvement Proj., Tr. letter, 167, Pssd., 167

Establishing max. comp. for professional svcs.

agree. for Jefferson Ave. Water Main Replacement Proj. and water filtration, Tr. letter, 167, Pssd., 170

Establishing max. comp. for professional svcs. agree. for Hydrokinetic Energy Study, Tr. letter, 224, Pssd., 225

Establishing max. comp. for professional svcs. agree. for Upland Conduit Structures Repairs Proj., Tr. letter, 225, Pssd., 225

Establishing max. comp. for professional svcs. agree. for High Falls Festival Site Gorge Wall Repair Proj., Tr. letter, 265, Pssd., 265

Auth. implementation and funding of Roch. Intermodal Transportation Proj., Tr. letter, 267, Pssd., 268

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 268, Pssd., 269

Establishing max. comp. for professional svcs. agree. for Waring Rd. Improvement Proj. and approp. funds, Tr. letter, 295, Pssd., 296

Establishing max. comp. for professional svcs. agree. for cathodic protection program for water system, Tr. letter, 320, Pssd., 320

Establishing max. comp. for amend. professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 345, Pssd., 346

Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 346, Pssd., 346

Establishing max. comp. for professional svcs. agree. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 386

Bond ord. auth. issuance of \$1,350,000 bonds to finance cost of engineering svcs. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 387

Establishing max. comp. for amend. professional svcs. agree. for Turning Point Park Trailhead Improvements Proj., Tr. letter, 418, Pssd., 418

Establishing max. comp. for amend. professional svcs. agree. for engineering design svcs. for Mt. Hope Ave. Improvement Proj., Tr. letter, 418, Pssd., 419

ENVIRONMENTAL CLEANUP/REMEDIATION

Establishing max. comp. for professional svcs. agree. for cleanup of 24 Seneca Ave., Tr. letter, 53, Pssd., 54

Establishing max. comp. for professional svcs. agree. for cleanup of former AC Delco Appliance site, Tr. letter, 54, Pssd., 55

Auth. ext. of agree. for environmental cleanup of 1200 E. Main St., Tr. letter, 378, Pssd., 379

ENVIRONMENTAL EDUCATION ASSOCIATES, INC.

Auth. amend. agree. for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 113, Pssd., 114

ENVIRONMENTAL FINDINGS

Adopting environmental findings for East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pssd., 249

Adopting environmental findings for George

Eastman House Proj., Tr. letter, 311, Pssd., 314

ENVIRONMENTAL REVIEW

Establishing max. comp. for professional svcs. agree. for Brooks Landing Revitalization Proj. and amend. Ord. No. 2011-218, Tr. letter, 241, Pssd., 241

ENVIRONMENTAL TESTING & CONSULTING, INC.

Auth. agree. for Lead Hazard Reduction Evaluation, Tr. letter, 40, Pssd., 40

ENVOY ENVIRONMENTAL CONSULTANTS, INC.

Auth. agree. for Lead Hazard Reduction Evaluation, Tr. letter, 40, Pssd., 40

ERDMAN ANTHONY & ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agree. for 2011 preventative maint. proj., Tr. letter, 57, Pssd., 58

ERIE HARBOR

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

ERIE-LACKAWANNA RAILS-TO-TRAILS PEDESTRIAN BRIDGE

Bond ord. auth. issuance of \$455,000 bonds to finance additional cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 84, Pssd., 85

ESKAY CONCERTS

Establishing max. comp. for professional svcs. agree. for Public Market concerts, Tr. letter, 93, Pssd., 94

ESSROC MATERIALS, INC.

Auth. use of space in Turning Point Park, Tr. letter, 371, Pssd., 371

EXAMINERS OF STATIONARY ENGINEERS AND REFRIGERATION OPERATORS, BOARD OF

Reso. approv. reappointments to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 410

EXAMINING BOARD OF PLUMBERS

Reso. approving reappointments to Examining Board of Plumbers, Tr. letter, 409, Adpt., 410

EXCEL SERVICE & TOWING

Auth. agree. for towing svcs., Tr. letter, 326, Pssd., 327

EXCELLUS HEALTH PLAN, INC.

Auth. amend. parking lot lease and sale of portion of 33 Capron St., Tr. letter, 309, Pssd., 310

EXTERIOR AND SECURITY REHABILITATION PROGRAM

Amend. Ord. No. 2010-206 relating to Exterior and Security Rehabilitation Program, Tr. letter, 39, Pssd., 40

Auth. agree. for Phase II of Exterior and Security Rehabilitation Program for Owner-Occupants, Tr. letter, 40, Pssd., 41

Auth. agree. for Phase II of Exterior and Security Rehabilitation Program for Landlords, Tr. letter, 47, Pssd., 48

Amend. Ord. No. 2011-24 relating to Exterior and Security Rehab. Program, Tr. letter, 213, Pssd., 213

EXTRADEV, INC.

Establishing max. comp. for professional svcs. agree. for document management software system, Tr. letter, 144, Pssd., 144

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FEMA

See "United States Federal Emergency Management Agency"

FACILITIES MODERNIZATION PROGRAM

Amend. Ord. No. 2011-177, Auth. bonds for Facilities Modernization Program, Tr. letter, 283, Pssd., 284

Reso. relating to funding for Facilities Modernization Program, Tr. letter, 283, Adpt., 285

FAMILY RESOURCE CENTER

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 388, Pssd., 389

FAMILY TRAUMA INTERVENTION PROGRAM

Approv. appl., agree. and 2011 Admin. and Program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 92, Pssd., 93

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Adoption of budget ests. for mun. purposes for 2011-12 fiscal year, approp. of sums set forth therein and approv. commercial refuse fees, Tr. letter, 199, Pub. hear., 191, Pssd., 201

Amend. Mun. Code with respect to special events parking and fees for marriages and funding for arts, Tr. letter, 199, Pssd., 205

Amend. Mun. Code with respect to cost of duplicate license, Tr. letter, 245, Pssd., 246

FENCES

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

FEOLA, JOHN

Reso. approving appt. to Civil Service Commission of City of Roch., Tr. letter, 365, Adpt., 365

FERGUSON GROUP LLC

Establishing max. comp. for professional svcs. agree. for federal lobbying svcs., Tr. letter, 243, Pssd., 244

FERRIS, MICHAEL P.

Reso. approving appt. to Elevator Examining Board, Tr. letter, 39, Adpt., 39

FESTIVALS

Establishing max. comp. for professional svcs. agree. for Riverside Festival Site management, Tr. letter, 143, Pssd., 144

Establishing max. comp. for agree. for Puerto Rican Festival, Tr. letter, 196, Pssd., 196

Establishing max. comp. for agree. for 2012 Roch. MusicFest, Tr. letter, 395, Pssd., 396

Establishing max. comp. for agree. for 2012 Xerox Roch. International Jazz Festival, Tr. letter, 397, Pssd., 397

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FINANCE DIRECTOR

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 394, Pssd., 394

FINES

Amend. Mun. Code with respect to fines and penalties for violations, Tr. letter, 245, Held, 246

FIRE DEPARTMENT

Establishing max. comp. for professional svcs. agree. for computerized records management system for Roch. Fire Dept., Tr. letter, 62, Pssd., 63

Auth. agree. for Firefighters Grant, Tr. letter, 137, Pssd., 137

Auth. agree. with Town of Brighton for continuation of mutual fire assistance to West Brighton, Tr. letter, 137, Pssd., 138

Establishing max. comp. for professional svcs. agree. for computerized records management system modules for Fire Dept., Tr. letter, 299, Pssd., 300

Establishing max. comp. for amend. agree. for provision of prescription medication for injured City firefighters, Tr. letter, 325, Pssd., 326

Auth. agree. with County of Monroe with respect to back-up generator, Tr. letter, 362, Pssd., 362

Approp. funds for smoke and carbon monoxide detectors, Tr. letter, 362, Pssd., 363

Auth. amend. agree. for Homeland Security funding and amend. 2011-12 Budget, Tr. letter, 391, Pssd., 392

Auth. amend. agree. for medical svcs. for Police and Fire Depts., Tr. letter, 424, Pssd., 425

FIREARMS INSTRUCTION

Auth. agree. with County of Monroe for funding for firearms instruction and approv. agree., Tr. letter, 138, Pssd., 139

FIREFIGHTER ENTRANCE EXAM

Establishing max. comp. for professional svcs. agree. for dev. of firefighter entrance exam and amend. 2011-12 Budget, Tr. letter, 272, Pssd., 273

Amend. 2011-12 Budget for firefighter entrance examination, Tr. letter, 425, Held, 426, Pssd., 427

FIREWORKS

Establishing max. comp. for professional svcs.

agree. for fireworks, Tr. letter, 195, Pssd., 196

FIRST CONSULTING, INC.

Establishing max. comp. for professional svcs. agree. for computer consulting svcs., Tr. letter, 2, Pssd., 3

FIRST NIAGARA

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 192, Pssd., 192

FISHER ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 52, Pssd., 53

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. Water Main Replacement Proj. and water filtration, Tr. letter, 167, Pssd., 170

FLINT STREET COMMUNITY CENTER

Auth. agree. with City School Dist. for joint use and maint. of facilities, Tr. letter, 139, Held, 139, Pssd., 236

FLOWER CITY CHALLENGE

Establishing max. comp. for agree. for 2012 Roch. Flower City Challenge, Tr. letter, 396, Pssd., 397

FLOWER CITY HABITAT FOR HUMANITY

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 220, Pssd., 221

FLOWER CITY MONITOR

Auth. agree. for materials testing svcs., Tr. letter, 124, Pssd., 124

FOCUSED INVESTMENT STRATEGY PROJECTS

Auth. agree. and approp. funds for Focused Investment Strategy Proj., Tr. letter, 300, Pssd., 301

FORESTRY

Auth. agree. for Urban and Community Forestry Grant, Tr. letter, 49, Pssd., 49

FORFEITURE FUNDS

Amend. 2010-11 Budget by approp. Forfeiture Funds for Roch. Police Dept. and approv. agree., Tr. letter, 97, Pssd., 98

Amend. 2010-11 Budget by approp. Forfeiture Funds for operations of GRANET, Tr. letter, 97, Held, 98, Pssd., 100

Amend. 2011-12 Budget by approp. forfeiture funds for operations of GRANET, Tr. letter, 276, Pssd., 276

FORT HILL TERRACE

Changing zoning class. of 18-20 and 24 Fort Hill Terrace from R-1 Low Density Residential to C-V Collegetown Village, Tr. letter, 377, Held, 378

FOUNDATION DESIGN, P.C.

Auth. agree. for materials testing svcs., Tr. letter, 124, Pssd., 124

FRANCIS CENTER

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

FRANK, ADAM, INC.

Amend. Ord. No. 2010-22, relating to agree. for public art for University Ave. and ARTWalk Extension Improvement Proj., Tr. letter, 86, Held, 91, Pssd., 99

FRANKLIN PROPERTIES

Approv. loan agree. for Lincoln Alliance Bldg. Proj., Tr. letter, 158, Pssd., 159

FREDERICK DOUGLASS APARTMENTS PROJECT

Amend. 2010-11 Consolidated Community Dev. Plan and Ord. No. 2010-361 relating to Frederick Douglass Apt. Proj., Tr. letter, 220, Pub. hear., 191, Pssd., 220

FRONTIER TELEPHONE COMPANY

Establishing max. annual comp. for professional svcs. agree. for 911 Center telephone systems, Tr. letter, 184, Pssd., 185

FUEL

Amend. 2010-11 Budget for green fueling station, Tr. letter, 49, Pssd., 50

Auth. agree. with RGRTA for fueling of vehicles, Tr. letter, 126, Pssd., 126

Auth. amend. agree. with County of Monroe for green fueling stations and amend. 2010-11 Budget, Tr. letter, 172, Pssd., 173

Bond ord. auth. execution and delivery of agree. of cooperation with County of Monroe and issuance of \$425,000 bonds to finance add. cost of design and construction of certain shared green alternative fueling stations, Tr. letter, 172, Pssd., 175

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GALITZDORFER, MICHAEL R.

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 4, Adpt., 4; Tr. letter, 405, Adpt., 405

GAME PLAN MARKETING

Auth. agree. for purchase of advertising, Tr. letter, 197, Pssd., 198

GANG CONSPIRACY INITIATIVE

Auth. agree. for funding for Gang Conspiracy Initiative and approp. funds, Tr. letter, 234, Pssd., 234

GARTLAND, EUGENE

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343

GENERAL CODE, LLC

Establishing max. comp. for professional svcs. agree. with General Code, LLC for publication of City Charter and Code, Tr. letter, 146, Pssd., 147

GENERATOR

Auth. agree. with County of Monroe with respect to back-up generator, Tr. letter, 362, Pssd., 362

GENESEE CROSSROADS PARKING GARAGE

Establishing max. comp. for amend. professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 74, Pssd., 74

Bond ord. auth. issuance of \$440,000 bonds to finance cost of Parking Garage Repair and Reconstruction Program, Tr. letter, 79, Pssd., 80

GENESEE STREET

Auth. sale of former Valley Court site and auth. subsidy agree., Tr. letter, 213, Pssd., 214

Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

GENESEE TRANSPORTATION COUNCIL

Auth. agree. for Eastman and Genesee Riverway Urban Trail Linkages Proj., Tr. letter, 170, Pssd., 171

GENESEE VALLEY PARK

Bond ord. auth. issuance of \$60,000 bonds to finance add. cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 226, Pssd., 228

Bond ord. auth. issuance of \$84,000 bonds to finance add. cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 241, Pssd., 242

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 326, Pssd., 326

Establishing max. comp. for professional svcs. agree. for Genesee Valley Park West Master Plan, Tr. letter, 422, Pssd., 423

GEOGRAPHIC INFORMATION SYSTEM SERVICES

Establishing max. comp. for professional svcs. agree. for GIS svcs., Tr. letter, 125, Pssd., 125

GEORGE EASTMAN HOUSE

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for George Eastman House as Planned Development District No. 14, Tr. letter, 311, Pub. hear., 304, Pssd., 313

Changing zoning class. of parcels at 850 and 900 East Ave., 16 Portsmouth Terr. and 911-913 University Ave. from R-2 Medium-Density Residential, and 930 East Ave. from R-3 High-Density Residential, to PD #14 - George Eastman House, Tr. letter, 311, Pub. hear., 304, Pssd., 314

Adopting environmental findings for George Eastman House Proj., Tr. letter, 311, Pssd., 314

GOODLEIN, GLENN

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

GOULD STREET

Amend. Official Map by accepting and dedicating parcel to street purposes and adding said parcel to Gould St. and amend. Ord. No. 2010-133, Tr. letter, 271, Pub. hear., 240, Pssd., 272

GRACE URBAN MINISTRIES, INC.

Auth. amend. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 308, Pssd., 309

GRANET

See "Greater Rochester Area Narcotics Enforcement Team"

GRANTS

Auth. grant agree. and amend. 2010-11 Budget for Municipal Archives, Tr. letter, 35, Pssd., 36

Auth. Amend. 2008-09, 2009-10 and 2010-11 Community Dev. Program Plans and auth. Agree. For ED Financial Assistance Loan & Grant Program, Tr. Letter, 46, Pub. hear., 32, Pssd., 47

Auth. agree. for Urban and Community Forestry Grant, Tr. letter, 49, Pssd., 49

Auth. agree. for Mt. Hope Cemetery grant and amend. 2010-11 Budget, Tr. letter, 75, Pssd., 76

Auth. grant agree. and approp. funds for Midtown Redevelopment Proj., Tr. letter, 76, Pssd., 76

Auth. grant agree., approp. funds and amend. 2010-11 Budget for University Ave. and ARTWalk Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

Auth. agree. for Records Management Grant and amend. 2010-11 Budget, Tr. letter, 104, Pssd., 105

Auth. amend. agree. for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 113, Pssd., 114

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 114, Adpt., 114

Auth. agree. for Firefighters Grant, Tr. letter, 137, Pssd., 137

Auth. agree. for Eastman and Genesee Riverway Urban Trail Linkages Proj., Tr. letter, 170, Pssd., 171

Auth. competitive grant appl., Tr. letter, 193, Pssd., 194

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

Auth. submission of Consolidated Community Dev. Plan/2011-12 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 221, Pssd., 223

Auth. agree. for 2011 Justice Assistance Grant Program, Tr. letter, 274, Pssd., 274

Auth. agree. for Brownfield Redevelopment Cleanup Grant for 62-64 Scio St., Tr. letter, 292, Pssd., 293

Auth. applications and agree. for grants for Rundel Memorial Library and Mt. Hope Cemetery, Tr. letter, 294, Pssd., 295

Auth. appl. and agree. for Brownfields Op-

portunity Area Grants for Bull's Head Neighborhood, Tr. letter, 310, Pssd., 311

Auth. grant agree. for Turning Point Park Improvement proj., approp. funds and amend. 2011-12 Budget, Tr. letter, 317, Pssd., 318

Auth. appl. and agree. for Inner Loop East Reconstruction Proj., Tr. letter, 324, Pssd., 325

Approv. library grant and amend. 2011-12 Budget, Tr. letter, 403, Pssd., 404

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

GREATER ROCHESTER AREA NARCOTICS ENFORCEMENT TEAM

Amend. 2010-11 Budget by approp. Forfeiture Funds for operations of GRANET, Tr. letter, 97, Held, 98, Pssd., 100

Amend. 2011-12 Budget by approp. forfeiture funds for operations of GRANET, Tr. letter, 276, Pssd., 276

GREATER ROCHESTER ENTERPRISE

Auth. agree. for economic dev. support svcs., Tr. letter, 214, Pssd., 215

GREATER ROCHESTER HEALTH FOUNDATION

Auth. agree. for Lead Hazard Control Program, Tr. letter, 156, Pssd., 156

GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. for Asset Control Area Program, Tr. letter, 368, Pssd., 368

GREEN FUELING STATION

Amend. 2010-11 Budget for green fueling station, Tr. letter, 49, Pssd., 50

Auth. amend. agree. with County of Monroe for green fueling stations and amend. 2010-11 Budget, Tr. letter, 172, Pssd., 173

Bond ord. auth. execution and delivery of agree. of cooperation with County of Monroe and issuance of \$425,000 bonds to finance add. cost of design and construction of certain shared green alternative fueling stations, Tr. letter, 172, Pssd., 175

GREENLEAF STREET

Changing zoning class. of 442-444 and 446-448 Atlantic Ave. and 15 and 21 Greenleaf St. from R-2 Medium Density Residential to M-1 Industrial, Tr. letter, 45, Pub. hear., 32, Pssd., 46

GROUP 14621 COMMUNITY ASSOCIATION

Auth. agree. for Emergency Assistance Repair Program and Aging In Place Home Modification Program, Tr. letter, 43, Pssd., 43

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

GROVE PLACE

Amend. Official Map by abandonment of portion of Grove Place, Tr. letter, 135, Pub. hear., 101, Pssd., 136

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to Carter St. and amend. Ord. No. 2011-119, Tr. letter, 228, Pub. hearing, 191, Pssd., 229

GUARDIAN LIFE INSURANCE COMPANY
Establishing max. comp. for professional svcs. agree. for dental insurance, Tr. letter, 400, Pssd., 400

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HAAG, MATT, COUNCILMEMBER

Motion to discharge Int. No. 79 from Committee, Adpt., 100

Negative vote, Ord. No. 2011-115, Pssd., 130; Ord. No. 2011-202, Pssd., 214; Motion to discharge Int. No. 355 from Committee, Adpt., 326; Motion to amend Int. No. 355, Adpt., 326; Ord. No. 2011-314, Pssd., 327; Motion to discharge Int. No. 356 from Committee, Adpt., 327; Ord. No. 2011-315, Pssd., 328; Int. No. 429A, Failed, 399

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HABZA, DANIEL

Reso. approving appts. to Roch. Preservation Board, Tr. letter, 161, Held, 162, Adpt., 343

HALL, JUDITH

Reso. approving reappointments to Roch. Public Library Board of Trustees, Tr. letter, 365, Adpt., 365

HAMER ENTERPRISES

Auth. ext. of agree. for merchant card payments, Tr. letter, 66, Pssd., 67

HARBOR VIEW CAFÉ, LLC

Auth. lease of space in Port Terminal Bldg., Tr. letter, 369, Pssd., 370

HARDY PARK APARTMENTS

Auth. loan agree. for Hardy Park Apts. Proj., Tr. letter, 344, Held, 345, Pssd., 377

HARPER STREET

Establishing max. comp. for professional svcs. agree. for Harper St. Group Curb Replacement Proj., Tr. letter, 296, Pssd., 296

Bond ord. auth. issuance of \$425,000 to finance cost of constr. and reconstruction of certain streets as part of Harper St. Group Curb Replacement Proj., Tr. letter, 296, Pssd., 297

HARRIS, LASHAY

Reso. approv. appts. to Nuisance Points Advisory Board, Tr. letter, 94, Pssd., 94

HAZELWOOD TERRACE

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

HEART COALITION

Auth. agree. for HEART Coalition for Drug-Free Roch. Program, Tr. letter, 360, Pssd., 361

HECORP, INC.

Auth. ext. of agree. for merchant card payments, Tr. letter, 66, Pssd., 67

HEMLOCK LAKE WATER FILTRATION PLANT

Establishing max. comp. for lease and svcs. agree. for granular activated carbon filter media, Tr. letter, 125, Pssd., 126

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. Water Main Replacement Proj. and water filtration, Tr. letter, 167, Pssd., 170

HERRICK-SAYLOR ENGINEERS, P.C.

Establishing max. comp. for amend. professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 74, Pssd., 74

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 268, Pssd., 269

HIGH FALLS

Establishing max. comp. for professional svcs. agree. for High Falls Centers, Tr. letter, 109, Held, 109, Pssd., 218

L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 118, Pub. hear., 100, Pssd., 119

Establishing max. comp. for professional svcs. agree. for High Falls Festival Site Gorge Wall Repair Proj., Tr. letter, 265, Pssd., 265

Establishing max. comp. for agree. for former High Falls Festival Site maint. svcs., Tr. letter, 292, Pssd., 292

Auth. lease of space in High Falls Centers, Tr. letter, 370, Pssd., 370

HIGH FALLS DEVELOPMENT CORPORATION

Establishing max. comp. for agree. for former High Falls Festival Site maint. svcs., Tr. letter, 292, Pssd., 292

HIGH FALLS PARKING GARAGE

Bond ord. auth. issuance of \$440,000 bonds to finance cost of Parking Garage Repair and Reconstruction Program, Tr. letter, 79, Pssd., 80

HIGH TECH ROCHESTER INC.

Establishing max. comp. for professional svcs. agree. for business dev. svcs., Tr. letter, 115, Pssd., 115

HIGHLAND FAMILY PLANNING

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 388, Pssd., 389

HIGHLAND PARKWAY

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

L.I.O. - Care and Embellishment of Street Malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 175

HIGHLAND RESERVOIR

Establishing max. comp. for professional svcs. agree. for Cobbs Hill and Highland Reservoir

Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 386

Bond ord. auth. issuance of \$1,350,000 bonds to finance cost of engineering svcs. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 387

HILL, CHRIS

Reso. approv. reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 19, Adpt., 19

HILLSIDE AVENUE

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

HOGAN, HELEN B.

Reso. approv. appts. to City Planning Commission, Tr. letter, 163, Held, 164, Adpt., 344

HOLMDEL PLACE

Amend. Official Map by abandonment of Holmdel Place, Tr. letter, 359, Pub. hear., 328, Held, 359; Pssd., 421

HOME BUYER TRAINING PROGRAM

Auth. agree. for Home Buyer Training Program, Tr. letter, 14, Pssd., 15

Auth. agree. for Home Buyer Training Program and amend. Ord. No. 2011-198, Tr. letter, 371, Pssd., 372

HOME REPAIR PROGRAM

Auth. agree. for Emergency Assistance Repair Program and Aging In Place Home Modification Program, Tr. letter, 43, Pssd., 43

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

HOME ROCHESTER PROGRAM

Auth. agree. for Home Roch. Program, Tr. letter, 15, Pssd., 15

Approp. funds and auth. agree. for Home Roch. Program, Tr. letter, 42, Pssd., 43

HOMELAND SECURITY

Auth. amend. agree. for Homeland Security funding and amend. 2011-12 Budget, Tr. letter, 391, Pssd., 392

HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM

Auth. amend. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 308, Pssd., 309

HOMELESSNESS STUDY

Establishing max. comp. for professional svcs. agree. for homelessness study, Tr. letter, 309, Pssd., 310

HOOSE, BRIAN W.

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

HOUSING

Auth. agree. for Home Buyer Training Program, Tr. letter, 14, Pssd., 15

Auth. agree. for Home Roch. Program, Tr. letter, 15, Pssd., 15

Auth. agree. for Phase II of Exterior and Security Rehabilitation Program for Owner-Occupants, Tr. letter, 40, Pssd., 41

Approp. funds and auth. agree. for Home Roch. Program, Tr. letter, 42, Pssd., 43

Auth. agree. for Emergency Assistance Repair Program and Aging In Place Home Modification Program, Tr. letter, 43, Pssd., 43

Approv. loan agree. for NOTA Special Needs Apt. Proj., Tr. letter, 209, Pssd., 210

Approv. Consolidated Plan Rental Mkt. Fund Programs and amend. 2008-09 Community Dev. Plan and Ord. No. 2009-106, Tr. letter, 210, Pssd., 211

Approving Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 212, Pssd., 213

Auth. sale of former Valley Court site and auth. subsidy agree., Tr. letter, 213, Pssd., 214

Auth. agree. for Housing Opportunities for Persons with AIDS Program and amend. Ord. No. 2008-86 and 2009-64, Tr. letter, 216, Pssd., 217

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

Amend. 2010-11 Consolidated Community Dev. Plan and Ord. No. 2010-361 relating to Frederick Douglass Apt. Proj., Tr. letter, 220, Pub. hear., 191, Pssd., 220

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 220, Pssd., 221

Approving loan agree. for Latta-Meech House Proj. and approp. funds, Tr. letter, 288, Pssd., 289

Auth. amend. agree. for Homelessness Prevention and Rapid Re-Housing Program, Tr. letter, 308, Pssd., 309

Establishing max. comp. for professional svcs. agree. for homelessness study, Tr. letter, 309, Pssd., 310

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

Auth. loan agree. for Hardy Park Apts. Proj., Tr. letter, 344, Held, 345, Pssd., 377

Auth. agree. for Asset Control Area Program, Tr. letter, 368, Pssd., 368

Auth. agree. for Home Buyer Training Program and amend. Ord. No. 2011-198, Tr. letter, 371, Pssd., 372

Amend. Chapter 120 of Mun. Code. Zoning Code, with respect to dwelling unit conversions and nonconforming uses, Tr. letter, 373, Pub. hear., 363, Pssd., 374

HOUSING COUNCIL IN THE MONROE COUNTY AREA, INC.

Approving Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 212, Pssd., 213

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Auth. agree. for Housing Opportunities for Persons with AIDS Program and amend. Ord. No. 2008-86 and 2009-64, Tr. letter, 216, Pssd., 217

HUMAN RESOURCE MANAGEMENT BUREAU

Establishing max. comp. for professional svcs. agree. for Human Resource Management Study, Tr. letter, 35, Pssd., 35

HUNTINGTON PARK

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

HYDROKINETIC ENERGY STUDY

Establishing max. comp. for professional svcs. agree. for Hydrokinetic Energy Study, Tr. letter, 224, Pssd., 225

-I-**IBERO-AMERICAN ACTION LEAGUE**

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 239, Pssd., 240

IBERO-AMERICAN DEVELOPMENT CORPORATION

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 114, Adpt., 114

IBERO - STEM PROGRAM

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

ICE HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 326, Pssd., 326

IGLESIA EDUCATIONAL CENTERS

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

INDEPENDENT TITLE AGENCY, LLC

Establishing max. comp. for amend. professional svcs. agree. for real estate title svcs., Tr. letter, 366, Pssd., 366

INNER LOOP

Auth. participation in Roch. Inner Loop Sidewalk, Crosswalks and Var. Arterial Sidewalks Proj., Tr. letter, 269, Pssd., 270

Auth. appl. and agree. for Inner Loop East Reconstruction Proj., Tr. letter, 324, Pssd., 325

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

INSPECTION SERVICES

Establishing max. comp. for professional svcs. agree. for Hydrokinetic Energy Study, Tr. letter, 224, Pssd., 225

Establishing max. comp. for professional svcs. agree. for High Falls Festival Site Gorge Wall Repair Proj., Tr. letter, 265, Pssd., 265

INSURANCE

Auth. application and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2010-11 Budget, Tr. letter, 23, Pssd., 24

Auth. agree. and approp. funds for Early Retirement Reinsurance Program, Tr. letter, 106,

Pssd., 106

Establishing max. comp. for professional svcs. agree. for actuarial svcs., Tr. letter, 145, Pssd., 145

Approp. of funds - Insurance Reserve Fund, Tr. letter, 331, Pssd., 331; Tr. letter, 406, Pssd., 406

Establishing max. comp. for professional svcs. agree. for dental insurance, Tr. letter, 400, Pssd., 400

INTERMODAL TRANSPORTATION CENTER PROJECT

Auth. implementation and funding of Roch. Intermodal Transportation Proj., Tr. letter, 267, Pssd., 268

-J-**JP MORGAN/CHASE BANK, N.A.**

Auth. agree. for extension of loan for HUD Asset Control Area Partnership Program, Tr. letter, 286, Pssd., 287

JAMES STREET

Approv. geometric changes and changes in pav. width of Chestnut St., Court St., Manhattan Square Dr., Broadway and E. Broad St., and removal of James St. roadway as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 60, Pub. hear., 32, Pssd., 62

JAZZ FESTIVAL

Establishing max. comp. for agree. for 2012 Xerox Roch. International Jazz Festival, Tr. letter, 397, Pssd., 397

JEFFERSON AVENUE

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 52, Pssd., 53

Bond ord. auth. issuance of \$840,000 bonds to finance reconstruction of var. water mains related to Jefferson Ave. Water Main Replacement Proj., Tr. letter, 168, Pssd., 169

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. Water Main Replacement Proj. and water filtration, Tr. letter, 167, Pssd., 170

Granting easement and amend. Official Map by dedicating parcel to street purposes and adding said parcel to Jefferson Ave., Tr. letter, 167, Pub. hear., 141, Pssd., 170

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

Auth. loan agree. for Hardy Park Apts. Proj., Tr. letter, 344, Held, 345, Pssd., 377

Auth. participation in Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 385

Bond ord. auth. issuance of \$129,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 386

Amend. Bond Ord. No. 2011-360 auth. issuance of bonds to finance cost of constr. and reconstruction of certain streets as part of Jefferson Ave. Revitalization Proj. and amend. Ord. No.

2011-359, Tr. letter, 419, Pssd., 420

JENNIFER HOUSE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

JENSEN/BRV ENGINEERING, PLLC

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 268, Pssd., 269

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JOE BENSON'S SERVICE

Auth. agree. for towing svcs., Tr. letter, 326, Pssd., 327

JOHN & SON COLLISION

Auth. agree. for towing svcs., Tr. letter, 326, Pssd., 327

JOHNSON SEYMOUR RACE

Establishing max. comp. for professional svcs. agree. for Hydrokinetic Energy Study, Tr. letter, 224, Pssd., 225

JOINT ENERGY CONSERVATION PROGRAM

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

JONIENTZ, ROSEMARY

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343

JOSEPH AVENUE

Approv. property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park, Tr. letter, 111, Pssd., 112

Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

JOSH LOFTON BUILDING

Auth. sale of former Josh Lofton Bldg., Tr. letter, 155, Pssd., 156

JUNIOR RECREATION LEADER PROGRAM

Establishing max. comp. for professional svcs. agree. for youth programs, Tr. letter, 186, Pssd., 187

JUNK DEALERS/JUNKYARD OPERATORS

Amend. Chapter 66 of Mun. Code, Junkyard Operators, Junk Dealers and Scrap Processors, Tr. letter, 5, Held, 6

JUSTICE ASSISTANCE GRANT PROGRAM

Auth. agree. for 2011 Justice Assistance Grant Program, Tr. letter, 274, Pssd., 274

JUVENILE ACCOUNTABILITY CONFERRING PROGRAM

Auth. application and agree. for Juvenile Accountability Conferencing Program, Tr. letter, 23, Pssd., 24

-K-

KARIN, DANIEL B., CITY CLERK

Reso. reappointing marriage officers, Tr. letter, 394, Adpt., 395

KELLER STREET

Approv. decrease in pav. width of Keller St. at Garnet St., Tr. letter, 178, Pub. hear., 141, Pssd., 179

KHALEEL, ROSEANNE

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 162, Held, 163, Adpt., 343

KIRLEY ALLEY

Approv. change in traffic flow of Kirley Alley from two-way to one-way eastbound, Tr. letter, 22, Held, 23, Pssd., 132

KLLC, ADRIENNE

Reso. approving appts. to Board of Assessment Review, Tr. letter, 405, Adpt., 405

KONOPKA ARCHITECTURE, P.C.

Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 382, Pssd., 383

KUCHMAN, IAN F.

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343

KUUMBA

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

-L-

LA LUNA

Auth. lease of space in High Falls Centers, Tr. letter, 370, Pssd., 370

LA MARKET-NORTH CLINTON AVENUE URBAN RENEWAL DISTRICT

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

LABELLA ASSOCIATES, PC

Establishing max. comp. for professional svcs. agree. for Culver Rd. Improvement Proj. and approp. funds, Tr. letter, 80, Pssd., 84

Auth. agree. for materials testing svcs., Tr. letter, 124, Pssd., 124

Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. improvements, Tr. letter, 130, Pssd., 131

Establishing max. comp. for professional svcs. agree. for Midtown Redevelopment Proj., Tr. letter, 165, Pssd., 166

Establishing max. comp. for professional svcs. agree. for Brooks Landing Revitalization Proj. and amend. Ord. No. 2011-218, Tr. letter, 241, Pssd., 241

Establishing max. comp. for professional svcs. agree. for High Falls Festival Site Gorge Wall Repair Proj., Tr. letter, 265, Pssd., 265
Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 268, Pssd., 269

LABERGE GROUP

Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

LABOR AGREEMENT

Establishing max. comp. for agree. for Midtown Redevelopment Proj., Tr. letter, 324, Pssd., 324
Reso. supporting proj. labor agree. for Midtown Redevelopment Proj., Tr. letter, 420, Pssd., 421

LADELFA, DEAN

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

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LAKE AVENUE

L.I.O. - Establishing operating and maint. cost of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 101, Pssd., 135
Establishing max. comp. for professional svcs. agree. for Lake Ave. Improvement Proj., Tr. letter, 167, Pssd., 167
Approving loan agree. for Latta-Meech House Proj. and approp. funds, Tr. letter, 288, Pssd., 289
Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 416, Pssd., 416

LAKEVIEW PARK

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133
L.I.O. - Care and Embellishment of Street Malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 175

LANCER, MARGARET C.

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 239, Pssd., 240

LANDSCAPING

Approving water quality improvement proj., Tr. letter, 50, Pssd., 51

LATTA-MEECH HOUSE PROJECT

Approving loan agree. for Latta-Meech House Proj. and approp. funds, Tr. letter, 288, Pssd., 289

LATTA ROAD

Changing zoning class. of 419 and 427 Latta Rd. from R-1 Low Density Residential to R-3 High Density Residential, Tr. letter, 160, Pub. hear., 141, Pssd., 161

LATTIMORE ROAD

Auth. release of restrictive covenant at 125 Lattimore Rd., Tr. letter, 315, Pssd., 316

LAW ENFORCEMENT PSYCHOLOGICAL ASSOCIATES

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Roch. Police Dept., Tr. letter, 97, Held, 97, Pssd., 236

LEAD PAINT

Auth. agree. for Lead Hazard Reduction Evaluation, Tr. letter, 40, Pssd., 40
Auth. agree. for Lead Hazard Control Program, Tr. letter, 41, Pssd., 41; Tr. letter, 156, Pssd., 156
Auth. agree. with County of Monroe for funding for lead poisoning prevention, Tr. letter, 43, Pssd., 32
Auth. amend. agree. for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 113, Pssd., 114
Auth. application and agree. for Lead Hazard Control Program, Tr. letter, 158, Pssd., 158
Amend. Chapter 90 of Mun. Code, Property Code, with respect to lead-based paint poisoning prevention, Tr. letter, 334, Pssd., 341

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Auth. lease agree. With Voyager Boat Sales, Inc., Tr. Letter, 47, Pssd., 47
Establishing max. comp. for lease and svcs. agree. for granular activated carbon filter media, Tr. letter, 125, Pssd., 126
Auth. amend. lease agree. for lease of Mun. Lot #18, Tr. letter, 145, Pssd., 146
Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 170, Pssd., 183
Auth. agree. for lease of space for Downtown District Svcs., Tr. letter, 291, Pssd., 292
Auth. amend. parking lot lease and sale of portion of 33 Capron St., Tr. letter, 309, Pssd., 310
Auth. lease of space in Port Terminal Bldg., Tr. letter, 369, Pssd., 370
Auth. lease of space in High Falls Centers, Tr. letter, 370, Pssd., 370
Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 375, Pub. hear., 363, Pssd., 376
Auth. lease agree. for materials storage, Tr. letter, 391, Pssd., 391
Auth. lease agree. for Roch. Museum and Science Ctr., Tr. letter, 404, Pssd., 405

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Establishing max. comp. for professional svcs. agree. for legal svcs., Tr. letter, 36, Pssd., 37

LEHIGH STATION, LLC

Approv. acceptance of easement, Tr. letter, 51, Pssd., 52

LEW CORPORATION

Auth. agree. for Lead Hazard Reduction

Evaluation, Tr. letter, 40, Pssd., 40

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Establishing max. comp. for professional svcs. agree. for Rundel Library lighting installation, Tr. letter, 130, Pssd., 131

Auth. applications and agree. for grants for Rundel Memorial Library and Mt. Hope Cemetery, Tr. letter, 294, Pssd., 295

Reso. approving reappointments to Roch. Public Library Board of Trustees, Tr. letter, 365, Adpt., 365

Approv. library grant and amend. 2011-12 Budget, Tr. letter, 403, Pssd., 404

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

LICENSE AGREEMENT

Auth. use of space in Turning Point Park, Tr. letter, 371, Pssd., 371

Auth. license agree. for use of property along Genesee River, Tr. letter, 410, Pssd., 411

LICENSING

Amend. Chapter 49 of Mun. Code, Electrical Licensing Ord., Tr. letter, 334, Pssd., 341

Amend. Chapter 103 of Mun. Code, Stationary Engineer and Refrigeration Operators Licensing Ord., Tr. letter, 334, Pssd., 343

LIFESPAN

Auth. agree. for Emergency Assistance Repair Program and Aging In Place Home Modification Program, Tr. letter, 43, Pssd., 43

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

LIGHTING

Establishing max. comp. for professional svcs. agree. for Rundel Library lighting installation, Tr. letter, 130, Pssd., 131

LIN, T.Y., INTERNATIONAL

Establishing max. comp. for professional svcs. agree. for Lake Ave. Improvement Proj., Tr. letter, 167, Pssd., 167

Establishing max. comp. for professional svcs. agree. for Upland Conduit Structures Repairs Proj., Tr. letter, 225, Pssd., 225

Establishing max. comp. for amend. professional svcs. agree. for Brooks Landing Revitalization Proj., Tr. letter, 226, Pssd., 227

LINCOLN ALLIANCE BUILDING

Approv. loan agree. for Lincoln Alliance Bldg. Proj., Tr. letter, 158, Pssd., 159

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Auth. Amend. 2008-09, 2009-10 and 2010-11 Community Dev. Program Plans and auth. Agree. For ED Financial Assistance Loan & Grant Program, Tr. Letter, 46, Pub. hear., 32, Pssd., 47

Approv. loan agree. for Lincoln Alliance Bldg. Proj., Tr. letter, 158, Pssd., 159

Approv. loan agree. for NOTA Special Needs Apt. Proj., Tr. letter, 209, Pssd., 210

Auth. agree. for extension of loan for HUD Asset Control Area Partnership Program, Tr. let-

ter, 286, Pssd., 287

Approp. funds for Brownfields Cleanup Revolving Loan Fund, Tr. letter, 287, Pssd., 288

Approving loan agree. for Latta-Meech House Proj. and approp. funds, Tr. letter, 288, Pssd., 289

Auth. loan agree. for Hardy Park Apts. Proj., Tr. letter, 344, Held, 345, Pssd., 377

Auth. loan agree. for reconstruction of former Seneca Bldg., Tr. letter, 411, Pssd., 414

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Establishing max. comp. for amend. professional svcs. agree. for state lobbying svcs., Tr. letter, 152, Pssd., 153

Establishing max. comp. for professional svcs. agree. for federal lobbying svcs., Tr. letter, 243, Pssd., 244

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1630 - L.I.O. - Public improvements at 500 University Ave. as part of University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Pub. hearing, 64, Held, 90, Pssd., 99

1628 - L.I.O. - Snow removal at Public Mkt., Tr. letter, 95, Pub. hear., 64, Pssd., 96

1629 - L.I.O. - Security at Public Mkt., Tr. letter, 95, Pub. hear., 64, Pssd., 97

1631 - L.I.O. - Upgrading of street cleaning for East Ave./Alexander St. Entertainment District, Tr. letter, 116, Pub. hear., 100, Pssd., 118

1632 - L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 118, Pub. hear., 100, Pssd., 119

1633 - L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. and auth. agree., Tr. letter, 120, Pub. hear., 101, Pssd., 121

1634 - L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

1635 - L.I.O. - Establishing cost of special work and svcs. related to Main St. improvement, Tr. letter, 133, Pub. hear., 101, Pssd., 134

1636 - L.I.O. - Establishing operating and maint. cost of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 101, Pssd., 135

1637 - L.I.O. - Establishing operating and maint. cost of special assessment districts for streetscape enhancements, Tr. letter, 134, Pub. hear., 101, Pssd., 135

1638 - L.I.O. - Establishing operating and maint. costs of neighborhood commercial or residential parking areas, Tr. letter, 152, Pub. hear., 141, Pssd., 152

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- 4 - L.L. extending time for adoption of 2011-12 Budget, Tr. letter, 147, Pssd., 147
- 5 - L.L. amend. City Charter with respect to Council District boundaries, Tr. letter, 149, Pssd., 151
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- 8 - L.L. amend. City Charter with respect to power to fix salaries, Tr. letter, 245, Pssd., 246
- 9 - L.L. amend. City Charter with respect to Deputy Mayor, Tr. letter, 302, Pssd., 302
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- 10 - L.L. amend. City Charter with respect to vacancy in Office of Mayor, Tr. letter, 303, Pssd., 304
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- 12 - L.L. amend. City Charter with respect to Preservation Board, Tr. letter, 373, Pssd., 375

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

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Amend. 2010-11 and 2011-12 Budget and Ord. No. 2011-52, Tr. letter, 282, Pssd., 283

Establishing max. comp. for professional svcs. agree. for Records Management System for Police Dept., Tr. letter, 329, Pssd., 329

Amend. 2011-12 Budget with respect to Police Dept., Tr. letter, 331, Pssd., 332

Auth. agree. for Tobacco Sales Enforcement Program and amend. 2011-12 Budget, Tr. letter, 390, Pssd., 391

Auth. lease agree. for materials storage, Tr. letter, 391, Pssd., 391

Auth. amend. agree. for medical svcs. for Police and Fire Depts., Tr. letter, 424, Pssd., 425

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Establishing max. comp. for amend. professional svcs. agree. for Roch. Rhinos Stadium Proj., Tr. letter, 20, Pssd., 21

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Auth. lease of space in Port Terminal Bldg., Tr. letter, 369, Pssd., 370

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

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Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

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Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343

PRESCRIPTION MEDICATION

Establishing max. comp. for amend. agree. for provision of prescription medication for injured City firefighters, Tr. letter, 325, Pssd., 326

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Establishing max. comp. for professional svcs. agree. for 2011 preventative maint. proj., Tr. letter, 57, Pssd., 58

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Auth. agree. with County of Monroe for funding for lead poisoning prevention, Tr. letter, 43, Pssd., 32

PRIME ENERGY CONSERVATION INTERNSHIP TRAINING PROGRAM

Auth. agree. and approp. funds for Focused Investment Strategy Proj., Tr. letter, 300, Pssd., 301

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Approv. appl., agree. and 2011 Admin. and Program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 92, Pssd., 93

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Auth. agree. with respect to Proj. IMPACT VIII and amend. 2011-12 Budget, Tr. letter, 276, Pssd., 277

PROJECT LABOR AGREEMENT

Establishing max. comp. for agree. for Mid-town Redevelopment Proj., Tr. letter, 324, Pssd., 324

Reso. supporting proj. labor agree. for Mid-town Redevelopment Proj., Tr. letter, 420, Pssd., 421

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Approv. appl., agree. and 2011 Admin. and Program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 92, Pssd., 93

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Auth. agree. for Home Buyer Training Program, Tr. letter, 14, Pssd., 15

PSYCHOLOGICAL EVALUATION SERVICES

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Roch. Police Dept., Tr. letter, 97, Held, 97, Pssd., 236

PUBLIC ART

Amend. Ord. No. 2010-22, relating to agree. for public art for University Ave. and ARTWalk Extension Improvement Proj., Tr. letter, 86, Held, 91, Pssd., 99

Approv. acceptance of public art-work/gateway feature, Tr. letter, 275, Pssd., 275

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Establishing max. comp. for professional svcs. agree. for Public Market concerts, Tr. letter, 93, Pssd., 94

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Establishing max. comp. for amend. professional svcs. agree. for Public Mkt. Solar Panel Installation, Tr. letter, 126, Pssd., 127

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Establishing max. comp. for agree. for Puerto Rican Festival, Tr. letter, 196, Pssd., 196

PUERTO RICAN YOUTH DEVELOPMENT

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 388, Pssd., 389

-Q-**QUAD A FOR KIDS**

Auth. agree. with Quad A for Kids, Tr. letter, 235, Pssd., 236

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-R-**RAILS-TO-TRAILS**

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Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 382, Pssd., 383

RAVI ENGINEERING & LAND SURVEYING, P.C.

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 268, Pssd., 269

REAL ESTATE, ACQUISITION OF

Auth. acq. of parcels from Roch. Urban Renewal Agency, Tr. letter, 179, Pssd., 183

Approving reacquisition of land in Roch. Science Park, Tr. letter, 248, Pssd., 248

Amend. Official Map by accepting and dedicating parcel to street purposes and adding said parcel to Gould St. and amend. Ord. No. 2010-133, Tr. letter, 271, Pub. hear., 240, Pssd., 272

Amend. Ord. No. 2011-243, relating to reacquisition of land in Roch. Science Park, Tr. letter, 314, Pssd., 314

Bond ord. auth. issuance of \$225,000 bonds to finance cost of reacquisition of 250 Science Parkway in Roch. Science Park, Tr. letter, 314, Pssd., 315

REAL ESTATE, SALE OF

Auth. sale of real estate, Tr. letter, 247, Pssd., 248; Tr. letter, 285, Pssd., 286; Tr. letter, 306, Pssd., 308; Tr. letter, 367, Pssd., 367; Tr. letter, 408, Pssd., 409

Auth. sale of 116 W. Main St. to further Cascade Area Urban Renewal Plan, Tr. letter, 17, Pssd., 18

Auth. sale of real estate and amend. Ord. No. 2010-393 and 2010-394, Tr. letter, 37, Pssd., 38

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Auth. sale of portion of 1315 S. Plymouth Ave., Tr. letter, 108, Pssd., 109

Auth. sale of Parcel 1, rights to Parcel 2 and add. rights to further Midtown Urban Renewal Plan, Tr. letter, 121, Pub. hear., 101, Pssd., 123

Auth. sale of real estate and granting increase in easement, Tr. letter, 154, Pssd., 155

Auth. sale of former Josh Lofton Bldg., Tr. letter, 155, Pssd., 156

Amend. Official Map by abandonment of portion of W. Broad St. and auth. its sale, Tr. letter, 177, Pub. hear., 141, Pssd., 180

Auth. sale of real estate and amend. Ord. No. 2009-300, Tr. letter, 207, Pssd., 208

Auth. sale of former Valley Court site and auth. subsidy agree., Tr. letter, 213, Pssd., 214

Auth. sale of Cultural Ctr. Commission and City parcels to University of Roch., Tr. letter, 218, Pub. hear., 191, Pssd., 220

Amend. Official Map by abandonment of Bartholomew Line and portions of University Ave. between Probert St. and N. Winton Rd. and auth. their sale as part of East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pub. hear., 240, Pssd., 251

Auth. amend. parking lot lease and sale of portion of 33 Capron St., Tr. letter, 309, Pssd., 310

Auth. sale of real estate and amend. Ord. No. 2011-269, Tr. letter, 332, Pssd., 333

Auth. sale of property along Genesee River and release of easement, Tr. letter, 410, Pssd., 411

Auth. sale of portion of 245 E. Main St. and additional rights to said parcel to further the Midtown Urban Renewal Plan and auth. easements, Tr. letter, 411, Pub. hear., 393, Pssd., 414

REAL ESTATE TITLE SERVICES

Establishing max. comp. for amend. professional svcs. agree. for real estate title svcs., Tr. letter, 366, Pssd., 366

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RECOVERY HOUSES OF ROCHESTER, INC.

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

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L.L. amend. City Charter with respect to Council District boundaries, Tr. letter, 149, Pssd., 151

REFRIGERATION OPERATORS

Amend. Chapter 103 of Mun. Code, Stationary Engineer and Refrigeration Operators Licensing Ord., Tr. letter, 334, Pssd., 343

Reso. approv. reappointments to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 410

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Adoption of budget ests. for mun. purposes for 2011-12 fiscal year, approp. of sums set forth therein and approv. commercial refuse fees, Tr. letter, 199, Pub. hear., 191, Pssd., 201

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Establishing max. comp. for professional svcs. agree. for Oakwood Rd. Reconstruction Proj., Tr. letter, 76, Pssd., 77

Establishing max. comp. for professional svcs. agree. for Culver Rd. Improvement Proj. and approp. funds, Tr. letter, 80, Pssd., 84

Establishing max. comp. for amend. professional svcs. agree. for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

Establishing max. comp. for amend. professional svcs. agree. for Scott Alley Pub. Improvement Proj., Tr. letter, 110, Pssd., 111

Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. improvements, Tr. letter, 130, Pssd., 131

Establishing max. comp. for amend. professional svcs. agree. for improvements to City Hall, Tr. letter, 166, Pssd., 167

Establishing max. comp. for professional svcs. agree. for El Camino: Butterhole-Seneca Park Trail Improvement Proj. and amend. Ord. No. 2007-388, Tr. letter, 171, Pssd., 172

Establishing max. comp. for professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 180

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

Establishing max. comp. for professional svcs. agree. for Harper St. Group Curb Replacement Proj., Tr. letter, 296, Pssd., 296

Amend. 2011-12 Budget and establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Rails-to-Trails Conversion Proj., Tr. letter, 318, Pssd., 318

Establishing max. comp. for amend. professional svcs. agree. for Sebastian Park Proj., Tr. letter, 323, Pssd., 324

Auth. participation in Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 385

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2011-2 - Reso. establishing date for special election of mayor, Tr. letter, 1, Held, 1, Adpt., 5

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 2011-3 - Reso. approv. reappointments to Downtown Enhancement District Advisory Comm., Tr. letter, 19, Adpt., 19
 2011-4 - Reso. regarding vacancy in Office of Mayor, Tr. letter, 32, Adpt., 33
 2011-5 - Reso. approving appts. to Nuisance Points Advisory Board, Tr. letter, 33, Adpt., 33
 2011-6 - Reso. approving reappointment to Roch. Public Library Board of Trustees, Tr. letter, 35, Adpt., 35
 2011-7 - Reso. approving appt. to Elevator Examining Board, Tr. letter, 39, Adpt., 39
 2011-8 - Reso. approv. appts. to Nuisance Points Advisory Board, Tr. letter, 94, Pssd., 94
 2011-9 - Approving 2010-11 debt resolution for the City School Dist., Tr. letter, 101, Adpt., 102
 2011-10 - Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 114, Adpt., 114
 2011-15 - Reso. approving appts. to Roch. Preservation Board, Tr. letter, 161, Held, 162, Adpt., 343
 2011-16 - Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 162, Held, 163, Adpt., 343
 2011-17 - Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343
 2011-18 - Reso. approv. appts. to City Planning Commission, Tr. letter, 163, Held, 164, Adpt., 344
 2011-11 - Reso. approving appt. to Roch. Public Library Board of Trustees, Tr. letter, 193, Adpt., 193
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 2011-21 - Reso. approving appt. to Elevator Examining Board, Tr. letter, 373, Adpt., 373
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 2011-25 - Reso. approving reappointments to Electrical Examining Board, Tr. letter, 409, Adpt., 410
 2011-26 - Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410
 2011-27 - Reso. approving reappointments to Examining Board of Plumbers, Tr. letter, 409, Adpt., 410
 2011-28 - Reso. approv. reappointments to

Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 410

2011-29 - Reso. supporting proj. labor agree. for Midtown Redevelopment Proj., Tr. letter, 420, Pssd., 421

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RICHARDS, THOMAS S., MAYOR

Reso. approving standard work day for mayor for retirement purposes, Tr. letter, 400, Adpt., 401

RIVER STREET

Auth. implementation and funding for River St. Ext. Improvement Proj., Tr. letter, 294, Pssd., 294

RIVERSIDE CEMETERY

Establishing max. comp. for amend. professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 127, Pssd., 127; Tr. letter, 293, Pssd., 293

RIVERSIDE FESTIVAL SITE

Establishing max. comp. for professional svcs. agree. for Riverside Festival Site management, Tr. letter, 143, Pssd., 144

RIVERVIEW LOFTS, LLC

Auth. amend. parking lot lease and sale of portion of 33 Capron St., Tr. letter, 309, Pssd., 310

ROBERTSON, PATSY

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343

ROCHESTER AFTER SCHOOL ACADEMY

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 239, Pssd., 240

ROCHESTER AREA COMMUNITY FOUNDATION

Auth. agree. for Youth Voice, One Vision, Tr. letter, 361, Pssd., 362

ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK, INC.

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

ROCHESTER BICYCLE ENHANCEMENT

PROJECT

Auth. participation in Roch. Bicycle Enhancement Proj., Tr. letter, 266, Pssd., 267

ROCHESTER BUSINESS ALLIANCE

Auth. ext. of amend. professional svcs. agree. for management training, Tr. letter, 194, Pssd., 195

ROCHESTER COMMUNITY TELEVISION

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

ROCHESTER EDUCATION FOUNDATION

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

ROCHESTER ENVIRONMENTAL COMMISSION

Reso. approving appts. to Roch. Environmental Commission, Tr. letter, 163, Held, 163, Adpt., 343

ROCHESTER FLOWER CITY CHALLENGE

Establishing max. comp. for agree. for 2012 Roch. Flower City Challenge, Tr. letter, 396, Pssd., 397

ROCHESTER GENERAL HOSPITAL

Auth. agree. for HEART Coalition for Drug-Free Roch. Program, Tr. letter, 360, Pssd., 361

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

Auth. agree. with RGRTA for fueling of vehicles, Tr. letter, 126, Pssd., 126

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ROCHESTER HISTORICAL SOCIETY

Establishing max. comp. for amend. agree. for restoration of mural, Tr. letter, 194, Pssd., 194

ROCHESTER HOUSING AUTHORITY

Approv. wage and salary increases for employees of the Roch. Housing Auth., Tr. letter, 433 (2010), Held, 434 (2010), Pssd., 4

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ROCHESTER HOUSING DEVELOPMENT FUND CORP.

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 220, Pssd., 221

Auth. agree. for extension of loan for HUD Asset Control Area Partnership Program, Tr. letter, 286, Pssd., 287

Auth. agree. for Asset Control Area Program, Tr. letter, 368, Pssd., 368

ROCHESTER ICE HOCKEY OFFICIALS, INC.

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 326, Pssd., 326

ROCHESTER INNER LOOP SIDEWALK,**CROSSWALK AND VARIOUS ARTERIAL SIDEWALKS PROJECT**

Auth. participation in Roch. Inner Loop Sidewalk, Crosswalks and Var. Arterial Sidewalks Proj., Tr. letter, 269, Pssd., 270

ROCHESTER INSTITUTE OF TECHNOLOGY

Auth. agree. with respect to Proj. IMPACT VIII and amend. 2011-12 Budget, Tr. letter, 276, Pssd., 277

ROCHESTER INTERMODAL TRANSPORTATION CENTER PROJECT

Auth. implementation and funding of Roch. Intermodal Transportation Proj., Tr. letter, 267, Pssd., 268

ROCHESTER INTERNATIONAL JAZZ FESTIVAL, LLC

Establishing max. comp. for agree. for 2012 Roch. MusicFest, Tr. letter, 395, Pssd., 396

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approv. appl., agree. and 2011 Admin. and Program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 92, Pssd., 93

ROCHESTER MUSEUM AND SCIENCE CENTER

Auth. lease agree. for Roch. Museum and Science Ctr., Tr. letter, 404, Pssd., 405

ROCHESTER MUSICFEST

Establishing max. comp. for agree. for 2012 Roch. MusicFest, Tr. letter, 395, Pssd., 396

ROCHESTER PHILHARMONIC ORCHESTRA

Establishing max. comp. for agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 329, Pssd., 330

ROCHESTER POLICE DEPARTMENT POLICE ATHLETIC/ACTIVITY LEAGUE, INC.

Auth. agree. with County of Monroe for funding for firearms instruction and approv. agree., Tr. letter, 138, Pssd., 139

ROCHESTER PRESERVATION BOARD

Reso. approving appts. to Roch. Preservation Board, Tr. letter, 161, Held, 162, Adpt., 343

ROCHESTER RHINOS STADIUM

Establishing max. comp. for amend. professional svcs. agree. for Roch. Rhinos Stadium Proj., Tr. letter, 20, Pssd., 21

ROCHESTER RIVERSIDE CONVENTION CENTER

Reso. supporting proj. labor agree. for Midtown Redevelopment Proj., Tr. letter, 420, Pssd., 421

ROCHESTER SCIENCE PARK

Approving reacquisition of land in Roch. Science Park, Tr. letter, 248, Pssd., 248

Amend. Ord. No. 2011-243, relating to reacquisition of land in Roch. Science Park, Tr. letter, 314, Pssd., 314

Bond ord. auth. issuance of \$225,000 bonds to finance cost of reacquisition of 250 Science Parkway in Roch. Science Park, Tr. letter, 314, Pssd., 315

ROCHESTER TEEN COURT

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 185, Pssd., 186

ROCHESTER URBAN RENEWAL AGENCY

Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 179, Pssd., 183

Auth. acq. of parcels from Roch. Urban Renewal Agency, Tr. letter, 179, Pssd., 183

ROCHESTER YACHT CLUB

Auth. license agree. for use of property along Genesee River, Tr. letter, 410, Pssd., 411

Auth. sale of property along Genesee River and release of easement, Tr. letter, 410, Pssd., 411

ROCHESTERWORKS, INC.

Auth. agree. for funding for Summer of Opportunity Program and amend. 2011-12 Budget, Tr. letter, 275, Pssd., 275

ROTHFUSS, ALAN, JR.

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

RUNDEL LIBRARY

Establishing max. comp. for professional svcs. agree. for Rundel Library lighting installation, Tr. letter, 130, Pssd., 131

Auth. applications and agree. for grants for Rundel Memorial Library and Mt. Hope Cemetery, Tr. letter, 294, Pssd., 295

RUNDEL PARK

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

RUSH RESERVOIR

Amend. 2010-11 Budget for Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 58, Pssd., 59

Bond ord. auth. issuance of \$8,535,000 bonds to finance cost of constr. of Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 58, Pssd., 60

Establishing max. comp. for amend. professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 345, Pssd., 346

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Auth. agree. for architectural svcs. for bldg.

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SJB SERVICES, INC.

Auth. agree. for materials testing svcs., Tr. letter, 124, Pssd., 124

SMG

Establishing max. comp. for professional svcs. agree. for Riverside Festival Site management, Tr. letter, 143, Pssd., 144

SWBR ARCHITECTS

Establishing max. comp. for amend. professional svcs. agree. for Riverside Cemetery Chapel of Peace Proj., Tr. letter, 127, Pssd., 127

SAFE ROUTES TO SCHOOLS PROJECT

Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

ST. BRIDGET'S DRIVE

Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

ST. PAUL BOULEVARD

Auth. license agree. for use of property along Genesee River, Tr. letter, 410, Pssd., 411

ST. PAUL STREET

Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

L.I.O. - Establishing operating and maint. cost of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 101, Pssd., 135

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

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SALEM EVANGELICAL CHURCH OF ROCHESTER, NY

Auth. agree. for lease of space for Downtown District Svcs., Tr. letter, 291, Pssd., 292

SALLUZZO, SHARON

Reso. approving appt. to Roch. Public Library Board of Trustees, Tr. letter, 193, Adpt., 193

SALVATION ARMY

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

SAM ASHER COMPUTING SERVICES, INC.

Establishing max. comp. for professional svcs. agree. for telephone notification system svcs., Tr. letter, 433 of 2010 Proceedings, Held, 433 of 2010 Proceedings, Pssd., 107

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

SANFORD, SUSAN

Reso. approving appts. to Board of Assessment Review, Tr. letter, 405, Adpt., 405

SANPA LLC

Auth. lease of space in High Falls Centers, Tr. letter, 370, Pssd., 370

SCHAUT, DENNIS

Reso. approving reappointments to Electrical Examining Board, Tr. letter, 409, Adpt., 410

SCHWARTZ, MARK

Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

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Amend. Ord. No. 2011-243, relating to reacquisition of land in Roch. Science Park, Tr. letter, 314, Pssd., 314

Bond ord. auth. issuance of \$225,000 bonds to finance cost of reacquisition of 250 Science Parkway in Roch. Science Park, Tr. letter, 314, Pssd., 315

SCIO STREET

Auth. agree. for Brownfield Redevelopment Cleanup Grant for 62-64 Scio St., Tr. letter, 292, Pssd., 293

SCOTT ALLEY

Establishing max. comp. for amend. professional svcs. agree. for Scott Alley Pub. Improvement Proj., Tr. letter, 110, Pssd., 111

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Amend. Chapter 66 of Mun. Code, Junkyard Operators, Junk Dealers and Scrap Processors, Tr. letter, 5, Held, 6

SEBASTIAN PARK

Establishing max. comp. for amend. professional svcs. agree. for Sebastian Park Proj., Tr. letter, 323, Pssd., 324

SECONDHAND DEALERS

Amend. Chapter 96 of Mun. Code, Secondhand Dealers, Tr. letter, 5, Held, 14

Amend. Mun. Code with respect to fines and penalties for violations, Tr. letter, 245, Held, 246

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Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 114, Adpt., 114

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L.I.O. - Security at Public Mkt., Tr. letter, 95, Pub. hear., 64, Pssd., 97

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SEELER ENGINEERING, P.C.

Establishing max. comp. for agree. for Midtown Redevelopment Proj., Tr. letter, 324, Pssd., 324

Reso. supporting proj. labor agree. for Midtown Redevelopment Proj., Tr. letter, 420, Pssd., 421

SENECA AVENUE

Establishing max. comp. for professional svcs. agree. for cleanup of 24 Seneca Ave., Tr. letter, 53, Pssd., 54

SENECA BUILDING

Auth. agree. with Windstream Corp. to further Midtown Urban Renewal Plan and repealing Ord. No. 2011-104, Tr. letter, 412, Pssd., 413

Auth. sale of portion of 245 E. Main St. and additional rights to said parcel to further the Midtown Urban Renewal Plan and auth. easements, Tr. letter, 411, Pub. hear., 393, Pssd., 414

Auth. loan agree. for reconstruction of former Seneca Bldg., Tr. letter, 411, Pssd., 414

SETON TOWING

Auth. agree. for towing svcs., Tr. letter, 326, Pssd., 327

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Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

SEX OFFENDER REGISTRY

Auth. agree. for funding for sex offender registry violations enforcement, Tr. letter, 236, Pssd., 236

SEXUAL HEALTH PROMOTION FOR YOUNG PEOPLE

Auth. agree. for Sexual Health Promotion for Young People, Tr. letter, 273, Pssd., 274

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Amend. Mun. Code with respect to fines and penalties for violations, Tr. letter, 245, Held, 246

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

SHOOTING RANGES

Amend. Chapter 99 of Mun. Code, relating to shooting ranges, Tr. letter, 24, Held, 31, Pssd., 236

Amend. Mun. Code and Ord. No. 2011-230 with respect to shooting ranges, Tr. letter, 245, Pssd., 246

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

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L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

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Reso. approving reappointments to Elevator Examining Board, Tr. letter, 409, Adpt., 410

SIDEWALKS

Approving water quality improvement proj., Tr. letter, 50, Pssd., 51

Bond ord. auth. issuance of \$345,000 bonds to finance cost of constr. and reconstruction of streets, sidewalks and water mains to effectuate Cascade Area Urban Renewal Plan, Tr. letter, 110, Pssd., 111

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2011 and expiring June 30, 2012, Tr. letter, 199, Pub. hear., 191, Pssd., 204

Auth. participation in Roch. Inner Loop Sidewalk, Crosswalks and Var. Arterial Sidewalks Proj., Tr. letter, 269, Pssd., 270

SIGNAGE

Auth. agree. with County of Monroe for pav. signs and markings, Tr. letter, 21, Pssd., 21

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

Auth. agree. with County of Monroe for wayfinding signage, Tr. letter, 416, Pssd., 417

SISTER CITIES PARKING GARAGE

Bond ord. auth. issuance of \$440,000 bonds to finance cost of Parking Garage Repair and Reconstruction Program, Tr. letter, 79, Pssd., 80

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Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

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Reso. approving appts. to Board of Assessment Review, Tr. letter, 405, Adpt., 405

SMOKE DETECTORS

Approp. funds for smoke and carbon monoxide detectors, Tr. letter, 362, Pssd., 363

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L.I.O. - Snow removal at Public Mkt., Tr. letter, 95, Pub. hear., 64, Pssd., 96

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2011 and expiring June 30, 2012, Tr. letter, 199, Pub. hear., 191, Pssd., 204

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 416, Pssd., 416

SOCCER

Amend. 2010-11 Budget for a soccer field for the Blue Cross Arena at the War Memorial, Tr. letter, 159, Pssd., 160

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

Approv. appl., agree. and 2011 Admin. and Program budgets of Roch.-Monroe County

Youth Bur., Tr. letter, 92, Pssd., 93

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 388, Pssd., 389

SOFTWARE

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SOJOURNER HOUSE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

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Amend. Mun. Code with respect to fines and penalties for violations, Tr. letter, 245, Held, 246

SOLOMON, JEFFREY

Auth. acq. by negotiation or condemnation of temporary easements and parcels for E. Broad St./Chestnut St./Court St. Improvement Proj. and amend. Ord. No. 2010-133, Tr. letter, 179, Pssd., 184

SOUTH AVENUE

Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$694,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$115,000 bonds to finance reconstruction of var. water mains related to Capron St. and South Ave. Ext. Improvement Proj., Tr. letter, 229, Pssd., 232

L.I.O. - Areaway abandonment at 238-242 South Ave. as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pub. hear., 191, Pssd., 23

SOUTH AVENUE/ALEXANDER STREET OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District, Tr. letter, 161, Pub. hear., 141, Pssd., 161

SOUTH AVENUE COMMUNITY CENTER

Auth. agree. with City School Dist. for joint use and maint. of facilities, Tr. letter, 139, Held, 139, Pssd., 236

Auth. agree. for funding under Economic Dev. Assistance Program and amend. 2011-12 Budget, Tr. letter, 423, Pssd., 424

SOUTH AVENUE EXTENSION

Approv. changes in pav. width of South Ave. Extension from Woodbury Blvd. to its dead end, Tr. letter, 176, Pub. hear., 141, Pssd., 177

SOUTH AVENUE PARKING GARAGE

Bond ord. auth. issuance of \$440,000 bonds to finance cost of Parking Garage Repair and Reconstruction Program, Tr. letter, 79, Pssd., 80

Auth. agree. for operation of South Ave. Garage, Tr. letter, 395, Pssd., 395
Auth. agree. with Windstream Corp. to further Midtown Urban Renewal Plan and repealing Ord. No. 2011-104, Tr. letter, 412, Pssd., 413

SOUTH CLINTON AVENUE

Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22
Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 346, Pssd., 346

SOUTH EAST AREA COALITION

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 114, Adpt., 114

SOUTH PLYMOUTH AVENUE

Auth. sale of portion of 1315 S. Plymouth Ave., Tr. letter, 108, Pssd., 109
Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 416, Pssd., 416

SOUTH WEDGE PLANNING COMMITTEE

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 114, Adpt., 114

SOUTHEAST LOOP URBAN RENEWAL PROJECT

Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 170, Pssd., 183
Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 375, Pub. hear., 363, Pssd., 376

SOUTHWEST YOUTH ORGANIZING PROJECT

Auth. agree. for Southwest Youth Organizing Proj., Tr. letter, 392, Pssd., 392

SPAULL, ELAINE M., COUNCILMEMBER

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Amend. Mun. Code with respect to special events parking and fees for marriages and funding for arts, Tr. letter, 199, Pssd., 205

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

SPRINGUT GROUP

Establishing max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter,

397, Pssd., 398

STANTEC CONSULTING SERVICES, INC.

Establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Proj., Tr. letter, 19, Pssd., 20

Establishing max. comp. for professional svcs. agree. for Oakwood Rd. Reconstruction Proj., Tr. letter, 76, Pssd., 77

Establishing max. comp. for amend. professional svcs. agree. for Scott Alley Pub. Improvement Proj., Tr. letter, 110, Pssd., 111

Establishing max. comp. for amend. professional svcs. agree. for Public Mkt. Solar Panel Installation, Tr. letter, 126, Pssd., 127

Establishing max. comp. for professional svcs. agree. for Emerson-Locust Connector St. and amend. Ord. No. 2011-65, 2011-64 and 2011-83, Tr. letter, 129, Pssd., 130

Establishing max. comp. for professional svcs. agree. for Rundel Library lighting installation, Tr. letter, 130, Pssd., 131

Amend. 2011-12 Budget and establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Rails-to-Trails Conversion Proj., Tr. letter, 318, Pssd., 318

Auth. appl. and agree. for Inner Loop East Reconstruction Proj., Tr. letter, 324, Pssd., 325

Auth. participation in Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 385

Establishing max. comp. for amend. professional svcs. agree. for Turning Point Park Trailhead Improvements Proj., Tr. letter, 418, Pssd., 418

STATE STREET

Approv. property tax exemption and auth. in-lieu-of-tax agree. for East House-State St. Apt. Proj., Tr. letter, 112, Pssd., 113

STATE STREET HOUSING DEVELOPMENT FUND CORPORATION

Approv. property tax exemption and auth. in-lieu-of-tax agree. for East House-State St. Apt. Proj., Tr. letter, 112, Pssd., 113

STATIONARY ENGINEERS

Amend. Chapter 103 of Mun. Code, Stationary Engineer and Refrigeration Operators Licensing Ord., Tr. letter, 334, Pssd., 343

Reso. approv. reappointments to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 409, Adpt., 410

STIEWE, WILLIAM

Reso. approving reappointments to Electrical Examining Board, Tr. letter, 409, Adpt., 410

STONE RIDGE ANIMAL HOSPITAL

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 233, Pssd., 234

STOP DWI PROGRAM

Auth. agree. for funding for STOP DWI Program, Tr. letter, 91, Pssd., 92

STOP VIOLENCE AGAINST WOMEN PROGRAM

Auth. application and agree. for STOP Violence Against Women Program, Tr. letter, 23, Pssd., 24

STORY, BARBARA M.

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 4, Adpt., 4

STRAUB STREET

Auth. agree. for Straub St. Revitalization Proj., Tr. letter, 16, Pssd., 16

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L.I.O. - Upgrading of street cleaning for East Ave./Alexander St. Entertainment District, Tr. letter, 116, Pub. hear., 100, Pssd., 118

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2011 and expiring June 30, 2012, Tr. letter, 199, Pub. hear., 191, Pssd., 204

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See "Streets"

STREET MALLS

L.I.O. - Care and embellishment of streets malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 133

L.I.O. - Care and Embellishment of Street Malls for 2011, Tr. letter, 132, Pub. hear., 101, Pssd., 175

STREETS

Auth. agree. for Straub St. Revitalization Proj., Tr. letter, 16, Pssd., 16

Auth. agree. with County of Monroe for pav. signs and markings, Tr. letter, 21, Pssd., 21

Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

Approv. change in traffic flow of Kirley Alley from two-way to one-way eastbound, Tr. letter, 22, Held, 23, Pssd., 132

Approving water quality improvement proj., Tr. letter, 50, Pssd., 51

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 52, Pssd., 53

Establishing max. comp. for professional svcs. agree. for Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 55

Bond ord. auth. issuance of \$1,806,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 56

Bond ord. auth. issuance of \$500,000 bonds to finance reconstruction of var. water mains related to Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 57

Approv. geometric changes and changes in pav. width of Chestnut St., Court St., Manhattan Square Dr., Broadway and E. Broad St., and removal of James St. roadway as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 60, Pub. hear., 32, Pssd., 62

Establishing max. comp. for professional svcs. agree. for Oakwood Rd. Reconstruction Proj., Tr. letter, 76, Pssd., 77

Bond ord. auth. issuance of \$877,000 bonds to finance cost of const. and reconstruction of certain streets as part of Oakwood Rd. Reconstruction Proj., Tr. letter, 76, Pssd., 78

Bond ord. auth. issuance of \$197,000 bonds to finance reconstruction of var. water mains related to Oakwood Rd. Reconstruction Proj., Tr. letter, 76, Pssd., 79

Bond ord. auth. issuance of \$700,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Culver Rd. Improvement Proj., Tr. letter, 80, Pssd., 82

Bond ord. auth. issuance of \$1,012,000 bonds to finance reconstruction of var. water mains related to Culver Rd. Improvement Proj., Tr. letter, 80, Pssd., 83

Establishing max. comp. for professional svcs. agree. for Culver Rd. Improvement Proj. and approp. funds, Tr. letter, 80, Pssd., 84

Changing traffic flow on Van Stallen St. from Joseph Ave. to Klein St. from two-way to one-way eastbound, Tr. letter, 85, Pub. hear., 63, Pssd., 85

Bond ord. auth. issuance of \$914,000 bonds to finance cost of const. and reconstruction of certain streets as part of University Ave. and ARTWalk Ext. and Improvement Proj., Tr. letter, 86, Held, 88, Pssd., 98

Bond ord. auth. issuance of \$286,000 bonds to finance reconstruction of var. water mains related to University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 89, Pssd., 99

Auth. grant agree., approp. funds and amend. 2010-11 Budget for University Ave. and ARTWalk Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

L.I.O. - Public improvements at 500 University Ave. as part of University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Pub. hearing, 64, Held, 90, Pssd., 99

Establishing max. comp. for amend. professional svcs. agree. for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

Amend. Ord. No. 2010-22, relating to agree. for public art for University Ave. and ARTWalk Extension Improvement Proj., Tr. letter, 86, Held, 91, Pssd., 99

Amend. Ord. No. 2009-433, relating to easements for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 91, Pssd., 100

Reducing amounts auth. in certain bond ord., Tr. letter, 103, Pssd., 104

Bond ord. auth. issuance of \$345,000 bonds to finance cost of constr. and reconstruction of streets, sidewalks and water mains to effectuate Cascade Area Urban Renewal Plan, Tr. letter, 110, Pssd., 111

Establishing max. comp. for amend. professional svcs. agree. for Scott Alley Pub. Improvement Proj., Tr. letter, 110, Pssd., 111

Establishing max. comp. for professional svcs. agree. for GIS svcs., Tr. letter, 125, Pssd., 125

Establishing max. comp. for professional svcs. agree. for Emerson-Locust Connector St. and amend. Ord. No. 2011-65, 2011-64 and 2011-83, Tr. letter, 129, Pssd., 130

L.I.O. - Establishing operating and maint. cost of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 101, Pssd., 135

L.I.O. - Establishing operating and maint. cost of special assessment districts for streetscape enhancements, Tr. letter, 134, Pub. hear., 101, Pssd., 135

Amend. Official Map by abandonment of portion of Grove Place, Tr. letter, 135, Pub. hear., 101, Pssd., 136

Establishing max. comp. for professional svcs. agree. for Lake Ave. Improvement Proj., Tr. letter, 167, Pssd., 167

Granting easement and amend. Official Map by dedicating parcel to street purposes and adding said parcel to Jefferson Ave., Tr. letter, 167, Pub. hear., 141, Pssd., 170

Approv. changes in pav. width of Driving Park Ave. in vicinity of Ramona St., Tr. letter, 175, Pub. hear., 141, Pssd., 176

Approv. changes in pav. width of South Ave. Extension from Woodbury Blvd. to its dead end, Tr. letter, 176, Pub. hear., 141, Pssd., 177

Amend. Official Map by abandonment of portion of W. Broad St. and auth. its sale, Tr. letter, 177, Pub. hear., 141, Pssd., 180

Approv. increase in pav. width of Akron St. from Atlantic Ave. to E. Main St., Tr. letter, 178, Pub. hear., 141, Held, 178

Approv. decrease in pav. width of Keller St. at Garnet St., Tr. letter, 178, Pub. hear., 141, Pssd., 179

Approv. geometric changes and changes in pav. width of Chestnut St., Court St., Manhattan Square Dr., Broadway and E. Broad St., and removal of James St. roadway as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 60, Pub. hear., 32, Pssd., 62

Establishing max. comp. for professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 180

Bond ord. auth. issuance of \$4,033,000 bonds to finance cost of constr. and reconstruction of certain streets as part of E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 181

Bond ord. auth. issuance of \$608,000 bonds to finance reconstruction of var. water mains related to E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 182

Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 179, Pssd., 183

Auth. acq. of parcels from Roch. Urban Renewal Agency, Tr. letter, 179, Pssd., 183

Auth. acq. by negotiation or condemnation of temporary easements and parcels for E. Broad St./Chestnut St./Court St. Improvement Proj. and amend. Ord. No. 2010-133, Tr. letter, 179, Pssd., 184

Changing traffic flow on E. Broad St. from Broadway to Chestnut St. from one-way west-bound to two-way, Tr. letter, 179, Pub. hear., 141, Pssd., 184

Approv. changes in pav. width of Joseph Ave., Clifford Ave., St. Bridget's Drive, Genesee St., Carter St., and alignment of Carter St. and Portland Ave. intersection as part of Safe

Routes to Schools Proj., Tr. letter, 228, Pub. hear., 191, Pssd., 229

Establishing max. comp. for professional svcs. agree. for Capron St. and South Ave. Ext. Improvement Proj., auth. agree. and amend. Ord. No. 2010-124, Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$694,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pssd., 231

Bond ord. auth. issuance of \$115,000 bonds to finance reconstruction of var. water mains related to Capron St. and South Ave. Ext. Improvement Proj., Tr. letter, 229, Pssd., 232

L.I.O. - Areaway abandonment at 238-242 South Ave. as part of Capron St. and South Ave. Extension Improvement Proj., Tr. letter, 229, Pub. hear., 191, Pssd., 23

Amend. Official Map by acq. and dedicating parcels to street purposes as part of East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pub. hear., 240, Pssd., 250

Amend. Official Map by abandonment of Bartholomew Line and portions of University Ave. between Probert St. and N. Winton Rd. and auth. their sale as part of East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pub. hear., 240, Pssd., 251

Auth. participation in Roch. Inner Loop Sidewalk, Crosswalks and Var. Arterial Sidewalks Proj., Tr. letter, 269, Pssd., 270

Bond ord. auth. issuance of \$380,000 bonds to finance milling and resurfacing of certain streets related to Central Ave. Group Preventive Maint. Proj., Tr. letter, 270, Pssd., 271

Amend. Official Map by accepting and dedicating parcel to street purposes and adding said parcel to Gould St. and amend. Ord. No. 2010-133, Tr. letter, 271, Pub. hear., 240, Pssd., 272

Amend. Official Map by abandonment of portion of Cork St., Tr. letter, 290, Pub. hear., 280, Pssd., 291

Auth. implementation and funding for River St. Ext. Improvement Proj., Tr. letter, 294, Pssd., 294

Establishing max. comp. for professional svcs. agree. for Waring Rd. Improvement Proj. and approp. funds, Tr. letter, 295, Pssd., 296

Establishing max. comp. for professional svcs. agree. for Harper St. Group Curb Replacement Proj., Tr. letter, 296, Pssd., 296

Bond ord. auth. issuance of \$425,000 to finance cost of constr. and reconstruction of certain streets as part of Harper St. Group Curb Replacement Proj., Tr. letter, 296, Pssd., 297

Bond ord. auth. issuance of \$1,302,000 bonds to finance reconstruction of certain streets related to 2011 Milling and Resurfacing Programs, Tr. letter, 322, Pssd., 323

Auth. appl. and agree. for Inner Loop East Reconstruction Proj., Tr. letter, 324, Pssd., 325

Amend. Official Map by abandonment of Holmdel Place, Tr. letter, 359, Pub. hear., 328, Held, 359; Pssd., 421

Amend. Mun. Code by adoption of Complete Streets Policy, Tr. letter, 380, Pssd., 381

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut

St./Court St. Improvement Proj., Tr. letter, 381, Pssd., 382

Auth. participation in Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 385

Bond ord. auth. issuance of \$129,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Jefferson Ave. Revitalization Proj., Tr. letter, 383, Pssd., 386

Establishing max. comp. for professionals vs. agree. for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 387, Pssd., 388

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 416, Pssd., 416

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

Establishing max. comp. for amend. professional vs. agree. for engineering design vs. for Mt. Hope Ave. Improvement Proj., Tr. letter, 418, Pssd., 419

Amend. Bond Ord. No. 2011-360 auth. issuance of bonds to finance cost of constr. and reconstruction of certain streets as part of Jefferson Ave. Revitalization Proj. and amend. Ord. No. 2011-359, Tr. letter, 419, Pssd., 420

Approv. changes in pav. width of Newbury St. and Westmount St., Tr. letter, 421, Pub. hear., 393, Pssd., 422

Changing traffic flow on Comfort St. from two-way to one-way westbound, Tr. letter, 422, Pub. hear., 393, Pssd., 422

STREETSCAPES

See "Streets"

STRONG HEALTH OCCUPATIONAL & ENVIRONMENTAL MEDICINE

Auth. amend. agree. for medical vs. for Police and Fire Depts., Tr. letter, 424, Pssd., 425

STUDIES

Establishing max. comp. for professional vs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

Establishing max. comp. for professional vs. agree. for Human Resource Management Study, Tr. letter, 35, Pssd., 35

Establishing max. comp. for professional vs. agree. for Hydrokinetic Energy Study, Tr. letter, 224, Pssd., 225

Establishing max. comp. for professional vs. agree. for homelessness study, Tr. letter, 309, Pssd., 310

Auth. agree. for Downtown West End parking study, Tr. letter, 330, Pssd., 330

SUCHY, DONNA P.

Reso. approv. appts. to City Planning Commission, Tr. letter, 163, Held, 164, Adpt., 344

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Establishing max. comp. for professional vs. agree. for youth programs, Tr. letter, 186, Pssd., 187

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Establishing max. comp. for professional svcs. agree. for computer svcs., Tr. letter, 364, Pssd., 365

TEEN COURT

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 185, Pssd., 186

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TIERNEY GEOTECHNICAL ENGINEERING

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TILTON, MIMI

Reso. approving appts. to Roch. Preservation Board, Tr. letter, 161, Held, 162, Adpt., 343

TITLE SERVICES

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TOBACCO SALES ENFORCEMENT PROGRAM

Auth. agree. for Tobacco Sales Enforcement Program and amend. 2011-12 Budget, Tr. letter, 390, Pssd., 391

TOBIN, PATRICK

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 162, Held, 163, Adpt., 343

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Establishing max. comp. for professional svcs. agree. for Traffic Flow Conversion Study and amend. 2010-11 Budget, Tr. letter, 22, Pssd., 22

TRAFFIC FLOW CHANGE

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Establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Proj., Tr. letter, 19, Pssd., 20

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Bond ord. auth. issuance of \$455,000 bonds to finance additional cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 84, Pssd., 85

Auth. agree. for Eastman and Genesee Riverway Urban Trail Linkages Proj., Tr. letter, 170, Pssd., 171

Establishing max. comp. for professional svcs. agree. for El Camino: Butterhole-Seneca Park Trail Improvement Proj. and amend. Ord. No. 2007-388, Tr. letter, 171, Pssd., 172

Auth. implementation and funding of El Camino: Butterhole-Seneca Park Trail Improvement Proj., Tr. letter, 171, Pssd., 172

Amend. 2011-12 Budget and establishing max. comp. for professional svcs. agree. for N. Union St. Railroad Bridge Rails-to-Trails Conversion Proj., Tr. letter, 318, Pssd., 318

Auth. participation in Roch. Bicycle Trails Proj., Tr. letter, 379, Pssd., 380

Auth. appl. and agree. for NYS grants, Tr. letter, 417, Pssd., 418

Establishing max. comp. for amend. professional svcs. agree. for Turning Point Park Trailhead Improvements Proj., Tr. letter, 418, Pssd., 418

TRAINING

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Auth. agree. with County of Monroe for funding for firearms instruction and approv. agree., Tr. letter, 138, Pssd., 139

Auth. ext. of amend. professional svcs. agree. for management training, Tr. letter, 194, Pssd., 195

Establishing max. comp. for professional svcs. agree. for City employee training, Tr. letter, 195, Pssd., 195

Auth. ext. of professional svcs. agree. for computer training, Tr. letter, 401, Pssd., 401

TUORI, THOMAS

Reso. approving appts. to Roch. Environmen-

tal Commission, Tr. letter, 163, Held, 163, Adpt., 343

TURNING POINT PARK

Auth. grant agree. for Turning Point Park Improvement proj., approp. funds and amend. 2011-12 Budget, Tr. letter, 317, Pssd., 318

Auth. use of space in Turning Point Park, Tr. letter, 371, Pssd., 371

Establishing max. comp. for amend. professional svcs. agree. for Turning Point Park Trailhead Improvements Proj., Tr. letter, 418, Pssd., 418

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Establishing max. comp. for professional svcs. agree. for water testing svcs., Tr. letter, 127, Pssd., 128

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Auth. agree. and approp. funds for Early Retirement Reinsurance Program, Tr. letter, 106, Pssd., 106

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 298, Pssd., 299

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UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Auth. application and agree. for Lead Hazard Control Program, Tr. letter, 158, Pssd., 158

Auth. agree. for extension of loan for HUD Asset Control Area Partnership Program, Tr. letter, 286, Pssd., 287

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Auth. agree. for 2011 Justice Assistance Grant Program, Tr. letter, 274, Pssd., 274

UNITED STATES DEPARTMENT OF TRANSPORTATION

Auth. appl. and agree. for Inner Loop East Reconstruction Proj., Tr. letter, 324, Pssd., 325

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Approp. funds for cleanup of former Photech Imaging site, Tr. letter, 20, Pssd., 20

Auth. agree. for Brownfield Redevelopment Cleanup Grant for 62-64 Scio St., Tr. letter, 292, Pssd., 293

UNITED STATES FEDERAL EMERGENCY MANAGEMENT AGENCY

Auth. agree. for Firefighters Grant, Tr. letter, 137, Pssd., 137

UNITED STATES MARSHAL'S SERVICE

Auth. agree. for funding for sex offender registry violations enforcement, Tr. letter, 236, Pssd., 236

UNIVERSITY AVENUE

Bond ord. auth. issuance of \$914,000 bonds to finance cost of const. and reconstruction of certain streets as part of University Ave. and ARTWalk Ext. and Improvement Proj., Tr. letter, 86, Held, 88, Pssd., 98

Bond ord. auth. issuance of \$286,000 bonds to finance reconstruction of var. water mains related to University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 89, Pssd., 99

Auth. grant agree., approp. funds and amend. 2010-11 Budget for University Ave. and ARTWalk Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

L.I.O. - Public improvements at 500 University Ave. as part of University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Pub. hearing, 64, Held, 90, Pssd., 99

Establishing max. comp. for amend. professional svcs. agree. for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 90, Pssd., 99

Amend. Ord. No. 2010-22, relating to agree. for public art for University Ave. and ARTWalk Extension Improvement Proj., Tr. letter, 86, Held, 91, Pssd., 99

Amend. Ord. No. 2009-433, relating to easements for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 91, Pssd., 100

Establishing max. comp. for professional svcs. agree. for Emerson-Locust Connector St. and amend. Ord. No. 2011-65, 2011-64 and 2011-83, Tr. letter, 129, Pssd., 130

Amend. Official Map by abandonment of Bartholomew Line and portions of University Ave. between Probert St. and N. Winton Rd. and auth. their sale as part of East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pub. hear., 240, Pssd., 251

Changing zoning class. of parcels at 850 and 900 East Ave., 16 Portsmouth Terr. and 911-913 University Ave. from R-2 Medium-Density Residential, and 930 East Ave. from R-3 High-Density Residential, to PD #14 - George Eastman House, Tr. letter, 311, Pub. hear., 304, Pssd., 314

Establishing max. comp. for professionals svcs. agree. for University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 387, Pssd., 388

UNIVERSITY OF ROCHESTER

Auth. acq. by negotiation or condemnation of temporary easements and parcels for E. Broad St./Chestnut St./Court St. Improvement Proj. and amend. Ord. No. 2010-133, Tr. letter, 179, Pssd., 184

Auth. sale of Cultural Ctr. Commission and City parcels to University of Roch., Tr. letter, 218, Pub. hear., 191, Pssd., 220

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 298, Pssd., 299

Auth. release of restrictive covenant at 125 Lattimore Rd., Tr. letter, 315, Pssd., 316

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend.

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Establishing max. comp. for professional svcs. agree. for Public Market concerts, Tr. letter, 93, Pssd., 94

UPLAND CONDUIT STRUCTURES REPAIRS PROJECT

Establishing max. comp. for professional svcs. agree. for Upland Conduit Structures Repairs Proj., Tr. letter, 225, Pssd., 225

Bond ord. auth. issuance of \$125,000 bonds to finance cost of design and reconstruction of infrastructure supporting City's Upland Water Supply Conduit, Tr. letter, 225, Pssd., 226

URBAN AND COMMUNITY FORESTRY GRANT

Auth. agree. for Urban and Community Forestry Grant, Tr. letter, 49, Pssd., 49

URBAN LEAGUE OF ROCHESTER, NY, INC.

Auth. agree. for Home Buyer Training Program, Tr. letter, 14, Pssd., 15

Auth. agree. for Home Buyer Training Program and amend. Ord. No. 2011-198, Tr. letter, 371, Pssd., 372

URBAN RENEWAL

Auth. sale of 116 W. Main St. to further Cascade Area Urban Renewal Plan, Tr. letter, 17, Pssd., 18

Bond ord. auth. issuance of \$345,000 bonds to finance cost of constr. and reconstruction of streets, sidewalks and water mains to effectuate Cascade Area Urban Renewal Plan, Tr. letter, 110, Pssd., 111

Auth. sale of Parcel 1, rights to Parcel 2 and add. rights to further Midtown Urban Renewal Plan, Tr. letter, 121, Pub. hear., 101, Pssd., 123

L.I.O. - Establishing operating and maint. cost of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 101, Pssd., 135

L.I.O. - Establishing operating and maint. cost of special assessment districts for streetscape enhancements, Tr. letter, 134, Pub. hear., 101, Pssd., 135

Approv. amend. to lease by Roch. Urban Renewal Agency of 52 Broadway in Southeast Loop Urban Renewal Project, NYR-175, Tr. letter, 170, Pssd., 183

Amend. Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 252, Pub. hear., 240, Pssd., 264

Amend. Brooks Landing Urban Renewal Plan and Chapter 120 of Mun. Code, Zoning Code, Tr. letter, 289, Pub. hear., 280, Pssd., 290

Designating parcels to be known as Marketview Heights Urban Renewal District, Tr. letter, 368, Pssd., 369

Approving lease by Roch. Urban Renewal Agency to Benderson Dev. Co., Inc. of 52 Broadway in Southeast Loop Urban Renewal Proj., NYR-175, Tr. letter, 375, Pub. hear., 363, Pssd., 376

Auth. agree. with Windstream Corp. to further Midtown Urban Renewal Plan and repealing Ord. No. 2011-104, Tr. letter, 412, Pssd., 413

Auth. sale of portion of 245 E. Main St. and

additional rights to said parcel to further the Midtown Urban Renewal Plan and auth. easements, Tr. letter, 411, Pub. hear., 393, Pssd., 414

Auth. loan agree. for reconstruction of former Seneca Bldg., Tr. letter, 411, Pssd., 414

Approp. funds for Midtown Plaza Revitalization Proj. and auth. agree., Tr. letter, 414, Pssd., 415

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VALLEY COURT

Auth. sale of former Valley Court site and auth. subsidy agree., Tr. letter, 213, Pssd., 214

VAN DUSEN, ERIC

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 162, Held, 163, Adpt., 343

VAN STALLEN STREET

Changing traffic flow on Van Stallen St. from Joseph Ave. to Klein St. from two-way to one-way eastbound, Tr. letter, 85, Pub. hear., 63, Pssd., 85

VAZQUEZ, JULIO

Reso. approv. appts. to City Planning Commission, Tr. letter, 163, Held, 164, Adpt., 344

VESA'S AUTOMOTIVE SERVICE

Auth. agree. for towing svcs., Tr. letter, 326, Pssd., 327

VETERANS OUTREACH CENTER, INC.

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

VETERINARY SERVICES

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 233, Pssd., 234

VOLUNTEERS OF AMERICA

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

Auth. agree. relating to 2011 Summer of Opportunity Program, Tr. letter, 237, Pssd., 238

VOTERS BLOCK COMMUNITY PROJECT

Auth. sale of real estate and amend. Ord. No. 2010-393 and 2010-394, Tr. letter, 37, Pssd., 38

VOYAGER BOAT SALES, INC.

Auth. lease agree. With Voyager Boat Sales, Inc., Tr. Letter, 47, Pssd., 47

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WXXI PUBLIC BROADCASTING COUNCIL

Establishing max. comp. for professional svcs. agree. with WXXI Public Broadcasting Council for broadcast of City Council meetings, Tr. letter, 151, Pssd., 151

WAGES AND SALARIES

Approv. wage and salary increases for employees of the Roch. Housing Auth., Tr. letter, 433 (2010), Held, 434 (2010), Pssd., 4

L.L. amend. City Charter with respect to power to fix salaries, Tr. letter, 245, Pssd., 246

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WARD, RUTH BROOKS

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 4, Adpt., 4

WARFIELD, MICHAEL

Reso. approving appts. to Roch. Preservation Board, Tr. letter, 161, Held, 162, Adpt., 343

WARING ROAD

Establishing max. comp. for professional svcs. agree. for Waring Rd. Improvement Proj. and approp. funds, Tr. letter, 295, Pssd., 296

WARREN, LOVELY A., COUNCILMEMBER

Reso. establishing date for special election of mayor, Tr. letter, 1, Held, 1, Adpt., 5

Reso. approv. appts. to Board of Assessment Review, Tr. letter, 4, Adpt., 4

Reso. regarding vacancy in Office of Mayor, Tr. letter, 32, Adpt., 33

Establishing max. comp. for professional svcs. agree. for Human Resource Management Study, Tr. letter, 35, Pssd., 35

Establishing max. comp. for professional svcs. agree. with General Code, LLC for publication of City Charter and Code, Tr. letter, 146, Pssd., 147

L.L. extending time for adoption of 2011-12 Budget, Tr. letter, 147, Pssd., 147

L.L. amend. City Charter with respect to Council District boundaries, Tr. letter, 149, Pssd., 151

Establishing max. comp. for professional svcs. agree. with WXXI Public Broadcasting Council for broadcast of City Council meetings, Tr. letter, 151, Pssd., 151

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L.L. amend. City Charter with respect to Deputy Mayor, Tr. letter, 302, Pssd., 302

L.L. amend. City Charter with respect to vacancy in Office of Mayor, Tr. letter, 302, Held, 303

L.L. amend. City Charter with respect to vacancy in Office of Mayor, Tr. letter, 303, Pssd., 304

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Reso. reappointing marriage officers, Tr. letter, 394, Adpt., 395

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WASHINGTON, HAZEL L., DEPUTY CITY CLERK

Reso. reappointing marriage officers, Tr. letter, 394, Pssd., 395

WASHINGTON SQUARE PARKING GARAGE

Bond ord. auth. issuance of \$440,000 bonds to finance cost of Parking Garage Repair and Reconstruction Program, Tr. letter, 79, Pssd., 80

WATER

Approving water quality improvement proj., Tr. letter, 50, Pssd., 51

Bond ord. auth. issuance of \$500,000 bonds to finance reconstruction of var. water mains related to Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 57

Amend. 2010-11 Budget for Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 58, Pssd., 59

Bond ord. auth. issuance of \$8,535,000 bonds to finance cost of constr. of Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 58, Pssd., 60

Bond ord. auth. issuance of \$197,000 bonds to finance reconstruction of var. water mains related to Oakwood Rd. Reconstruction Proj., Tr. letter, 76, Pssd., 79

Bond ord. auth. issuance of \$1,012,000 bonds to finance reconstruction of var. water mains related to Culver Rd. Improvement Proj., Tr. letter, 80, Pssd., 83

Bond ord. auth. issuance of \$286,000 bonds to finance reconstruction of var. water mains related to University Ave. and ARTWalk Ext. Improvement Proj., Tr. letter, 86, Held, 89, Pssd., 99

Bond ord. auth. issuance of \$345,000 bonds to finance cost of constr. and reconstruction of streets, sidewalks and water mains to effectuate Cascade Area Urban Renewal Plan, Tr. letter, 110, Pssd., 111

Establishing max. comp. for lease and svcs. agree. for granular activated carbon filter media, Tr. letter, 125, Pssd., 126

Establishing max. comp. for professional svcs. agree. for water testing svcs., Tr. letter, 127, Pssd., 128

Establishing max. comp. for professional svcs. agree. for water quality testing svcs., Tr. letter, 128, Pssd., 128

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 128, Pssd., 129

Auth. water exchange agree. with Monroe County Water Authority, Tr. letter, 131, Pssd., 132

Bond ord. auth. issuance of \$840,000 bonds to finance reconstruction of var. water mains related to Jefferson Ave. Water Main Replacement Proj., Tr. letter, 168, Pssd., 169

Establishing max. comp. for professional svcs. agree. for Jefferson Ave. Water Main Replacement Proj. and water filtration, Tr. letter, 167, Pssd., 170

Bond ord. auth. issuance of \$608,000 bonds to finance reconstruction of var. water mains related to E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 179, Pssd., 182

Amend. Mun. Code with respect to water rates, Tr. letter, 199, Pssd., 204

Establishing max. comp. for professional svcs. agree. for Upland Conduit Structures Repairs Proj., Tr. letter, 225, Pssd., 225

Bond ord. auth. issuance of \$125,000 bonds to finance cost of design and reconstruction of infrastructure supporting City's Upland Water Supply Conduit, Tr. letter, 225, Pssd., 226

Bond ord. auth. issuance of \$115,000 bonds to finance reconstruction of var. water mains related to Capron St. and South Ave. Ext. Improvement Proj., Tr. letter, 229, Pssd., 232

Establishing max. comp. for professional svcs. agree. for cathodic protection program for water system, Tr. letter, 320, Pssd., 320

Auth. agree. for home repair programs, Tr. letter, 333, Pssd., 334

Amend. Chapter 23 of Mun. Code, Waterworks with respect to fees for backflow prevention devices, Tr. letter, 334, Pssd., 343

Establishing max. comp. for amend. professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj., Tr. letter, 345, Pssd., 346

Establishing max. comp. for professional svcs. agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 346, Pssd., 346

Bond ord. auth. issuance of additional cost of design and reconstruction of City's S. Clinton Ave. water supply conduit located in Town of Brighton, Tr. letter, 346, Pssd., 347

Establishing max. comp. for professional svcs. agree. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 386

Bond ord. auth. issuance of \$1,350,000 bonds to finance cost of engineering svcs. for Cobbs Hill and Highland Reservoir Ultraviolet Disinfection Proj., Tr. letter, 386, Pssd., 387

WATSON, DAVID

Reso. approv. appts. to City Planning Commission, Tr. letter, 163, Held, 164, Adpt., 344

WEATHER SENSOR

Auth. participation in Roch. DES AVL/Weather Sensor ITS Proj., Tr. letter, 265, Pssd., 266

WEBEQUITY SOLUTIONS, LLC

Establishing max. comp. for professional svcs. agree. for financial analysis software, Tr. letter, 372, Pssd., 373

WEGMANS FOOD MARKET

Adopting environmental findings for East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pssd., 249

Amend. Official Map by acq. and dedicating parcels to street purposes as part of East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pub. hear., 240, Pssd., 250

Amend. Official Map by abandonment of Bartholomew Line and portions of University Ave. between Probert St. and N. Winton Rd. and auth. their sale as part of East Ave. Wegmans Redevelopment Proj., Tr. letter, 248, Pub. hear., 240, Pssd., 251

Establishing max. comp. for amend. agree. for provision of prescription medication for injured City firefighters, Tr. letter, 325, Pssd., 326

WELD STREET

Auth. sale of real estate and amend. Ord. No. 2011-21, Tr. letter, 107, Pssd., 108

WEST BROAD STREET

Amend. Official Map by abandonment of portion of W. Broad St. and auth. its sale, Tr. letter, 177, Pub. hear., 141, Pssd., 180

WEST MAIN STREET

Auth. sale of 116 W. Main St. to further Cascade Area Urban Renewal Plan, Tr. letter, 17, Pssd., 18

Auth. sale of former Josh Lofton Bldg., Tr. letter, 155, Pssd., 156

WESTFIELD STREET

Establishing max. comp. for professional svcs. agree. for Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 55

Bond ord. auth. issuance of \$1,806,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 56

Bond ord. auth. issuance of \$500,000 bonds to finance reconstruction of var. water mains related to Westfield St. and Penhurst St. Improvement Proj., Tr. letter, 55, Pssd., 57

WESTMOUNT STREET

Approv. changes in pav. width of Newbury St. and Westmount St., Tr. letter, 421, Pub. hear., 393, Pssd., 422

WHITNEY STREET

Establishing max. comp. for professional svcs. agree. for cleanup of former AC Delco Appliance site, Tr. letter, 54, Pssd., 55

WILSON BOULEVARD

L.I.O. - Establishing operating and maint. cost of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 101, Pssd., 135

WILSON COMMENCEMENT PARK

Approv. property tax exemption and auth. in-lieu-of-tax agree. for Wilson Commencement Park, Tr. letter, 111, Pssd., 112

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

WINDSTREAM CORPORATION

Auth. agree. with Windstream Corp. to further Midtown Urban Renewal Plan and repealing Ord. No. 2011-104, Tr. letter, 412, Pssd., 413

Auth. sale of portion of 245 E. Main St. and additional rights to said parcel to further the Midtown Urban Renewal Plan and auth. easements, Tr. letter, 411, Pub. hear., 393, Pssd., 414

WINSLOW, SALLY WOOD

Establishing max. comp. for professional svcs. agree. for High Falls Centers, Tr. letter, 109, Held, 109, Pssd., 218

WOLF, GEORGE

Reso. approving reappointments to Roch. Public Library Board of Trustees, Tr. letter, 365, Adpt., 365

WOMEN'S PLACE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

WOODSIDE/GOODWILL PARKING LOT

L.I.O. - Establishing operating and maint. costs of neighborhood commercial or residential parking areas, Tr. letter, 152, Pub. hear., 141, Pssd., 152

WOODSTONE CUSTOM HOMES INC.

Auth. sale of former Valley Court site and auth. subsidy agree., Tr. letter, 213, Pssd., 214

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XEROX ROCHESTER INTERNATIONAL JAZZ FESTIVAL

Establishing max. comp. for agree. for 2012 Xerox Roch. International Jazz Festival, Tr. letter, 397, Pssd., 397

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YWCA OF ROCHESTER AND MONROE COUNTY

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 217, Pssd., 218

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2011-12 Budget, Tr. letter, 298, Pssd., 299

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