

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2013**

ROCHESTER, NEW YORK

Officials 2013

Thomas S. Richards
Mayor

Leonard E. Redon
Deputy Mayor

Darryl Porter
Assistant to the Mayor

Robert J. Bergin
Corporation Counsel

Lisa M. Bobo
Chief of Information Technology

Luis Burgos
Commissioner of Recreation & Youth Services

R. Carlos Carballada
Commissioner of Neighborhood &
Business Development

Tassie R. Demps
Director of Human Resource Management

Alinda Drury
Executive Staff Assistant IV

Paul M. Holahan
Commissioner of Environmental Services

George Markert ⁽¹⁾
Director of Office of Public Integrity

John M. Merklinger
Emergency Communications Center Director

Salvatore Mitrano, III
Fire Chief

Brian L. Roulin
Director of Finance

James M. Sheppard
Police Chief

Patricia Uttaro
Library Director

Christopher M. Wagner
Director of Management & Budget

Gary Walker
Director of Communications

(1) Retired May 10, 2013.

Members of Council 2013

Members	Residence
Lovely A. Warren, Esq ⁽¹⁾ President, Councilmember, Northeast District	93 Woodman Park, 14609
Dana K. Miller ⁽²⁾ Vice President, Councilmember-at-Large	265 Melrose Street, 14619
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
Jacklyn Ortiz Councilmember-at-Large	45 Ontario Street, 14605
Carla M. Palumbo, Esq. Councilmember, Northwest District	1002 Glide Street, 14606
Michael A. Patterson ⁽³⁾ Councilmember, Northeast District	1547 North Goodman Street, 14609
Elaine M. Spaul, Esq..... Councilmember, East District	42 Westminster Road, 14607
Loretta C. Scott Councilmember-at-Large	171 Berwick Road, 14609

(1) Resigned November 22, 2013.
(2) Acting President as of November 23, 2013.
(3) Appointed December 17, 2013.

City Clerk's Office 2013

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
Maria D. Ramos Legislative Clerk

City Council Office 2013

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

Standing Committees of The City Council 2013

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

Finance
Conklin, Palumbo, Scott

Jobs, Parks & Public Works
Scott, Haag, Spaull

Neighborhood & Business Development
Palumbo, Conklin, Ortiz

Public Safety, Youth & Recreation
McFadden, Haag, Scott

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

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

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

TUESDAY, JANUARY 22, 2013

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REGULAR MEETING
JANUARY 22, 2013

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

*Jeffrey S. Keur

Library

*Janice L. Burch

*Bounleva Khamvilay

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of December 18, 2012 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Administrative Cancellation or Refund of

Erroneous Taxes and Charges 4098-13

Public Disclosure - HOME Participation

4099-13

Quarterly Report - Delinquent Receivables

4100-13

The Council submits Disclosure of Interest Forms from Councilmember Matt Haag on Int. No. 10.

PRESENTATION AND REFERENCE OF PETITIONS
AND OTHER COMMUNICATIONS.

Councilmember Palumbo presented a petition with 35 signatures opposing the opening of a liquor store at 1534 N. Goodman Street.

Councilmember McFadden presented a petition with 1 signature opposing demolition in the Susan B. Anthony Neighborhood.

PUBLIC HEARINGS.

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

Amending The Official Map By Abandonment

Of Evans Street Int. No. 15 No speakers.

REPORTS OF STANDING COMMITTEES AND
ACTION THEREON

By Councilmember Conklin
January 22, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing Agreements For Auctioneer Services

Int. No. 2 - Establishing Maximum Compensation For A Professional Services Agreement For The Automated Vehicle Locator/Weather Sensor Intelligent Transportation System

Int. No. 3 - Resolution Approving Reappointment To The Rochester Public Library Board of Trustees

Int. No. 29 - Authorizing An Agreement For ATM Services

Int. No. 30 - Resolution Approving Reappointment To The Board Of Ethics

Int. No. 33 - Approving Funding For Library Agreement

Int. No. 34 - Cancellation Of Taxes and Charges

Int. No. 35 - Amending The 2012-13 Budget For Debt Repayment And Issuance, As Amended

Int. No. 36 - Approving The 2012-13 Debt Resolution For The City School District

Int. No. 37 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$13,839,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,

Carolee A. Conklin

Carla M. Palumbo

Loretta C. Scott

Dana K. Miller

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-1

Re: Agreements - Auctioneer Services

Transmitted herewith for your approval is legislation authorizing three-year agreements with John T. Reynolds Inc. (Newark, NY) and Roy Teitsworth, Inc. (Groveland, NY) for auctioneer services for the auctioning of surplus City materials and equipment. The agreements will each include an option for two

one-year renewals.

Equipment and materials that have been declared surplus by City departments are routinely sold at public auctions, for which the City uses the services of professional auctioneers. The current agreements for these services, with John T. Reynolds and Roy Teitsworth, were authorized by City Council in February 2008 and expired on December 31, 2012.

Summary results of auctions for the past two years are provided below. It is anticipated that auction sales and net proceeds to the City will follow a similar pattern during this proposed contract.

	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u> <u>(July-Dec)</u>
Gross sales	\$960,058	\$873,953	\$318,772
Less:			
Sales tax/Other	26,607	19,700	13,551
Advertising and fees	6,870	6,378	4,139
Commissions	<u>75,267</u>	<u>75,251</u>	<u>23,286</u>
Net to City	<u>\$851,314</u>	<u>\$772,624</u>	<u>\$277,796</u>

The two firms were selected through a request for proposal process, which is described in the attached summary. Each auctioneer will provide an inventory of items to be sold and will prepare a certified statement of sale results. They will also appraise surplus items if requested. All commissions will be deducted from the auction proceeds.

Roy Teitsworth Inc. will provide services for Group A surplus (heavy equipment and miscellaneous equipment) auctions for a fee of 10% of gross sales. John T. Reynolds Inc. will provide services for Group B surplus (light equipment and vehicles), Auto Pound, and miscellaneous furniture and equipment auctions for fees of 7%, 8%, and 10% of gross sales, respectively.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-1

Ordinance No. 2013-1
(Int. No. 1)

Authorizing Agreements For Auctioneer Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with John T. Reynolds, Inc. for the provision of auctioneer services for the disposal of surplus City equipment and materials, except heavy and specialty equipment, for a term of three years, with two one-year renewal options. The agreement shall authorize John T. Reynolds, Inc. to retain 7-10% of the gross proceeds from the auctions. The City shall be obligated to pay for adver-

tising of the auctions in the *Democrat & Chronicle* at the auctioneer's direct cost if the City requests the advertisement.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Roy Teitsworth, Inc. for the provision of auctioneer services for the disposal of surplus City heavy and specialty equipment, for a term of three years, with two one-year renewal options. The agreement shall authorize Roy Teitsworth, Inc. to retain 10% of the gross proceeds from the auctions. The City shall be obligated to pay for advertising of the auctions in the *Democrat & Chronicle* at the auctioneer's direct cost if the City requests the advertisement.

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. 2013-2
Re: Agreement - Reltronics
Technologies, Inc., Automated
Vehicle Locator/Weather
Sensor Intelligent Transportation
System

Transmitted herewith for your approval is legislation establishing \$960,000 as maximum compensation for an agreement with Reltronics Technologies, Inc. for installation and implementation of an Automated Vehicle Locator/Weather Sensor Intelligent Transportation System (AVL/ITS); and appropriating for this purpose a total of \$676,000 in anticipated reimbursements from the Federal Highway Administration Congestion Mitigation and Air Quality Program (FHWA/CMAQ). The cost of the agreement will be funded as follows:

FHWA/CMAQ reimbursements	
Appropriated herein	\$676,000
Appropriated via Ord. No. 2011-250	92,000
Prior Years' Cash Capital (refuse)	<u>192,000</u>
	\$960,000

Reltronics Technologies, Inc. will work with the City to implement an AVL/ITS to better manage its public works vehicle fleet. The AVL/ITS equipment will improve the efficiency of vehicle dispatching by optimizing routing, which will result in several benefits including reduction of vehicle miles traveled, improved salting and snow plowing of streets, and enhancing air quality. The project will be jointly administered by the Departments of Environmental Services and Information Technology.

Reltronics Technologies, Inc. was selected through a Request for Proposal process, which is described in the attached summary. Reltronics Technologies, Inc. was selected based on their qualifications,

experience, knowledge of AVL/ITS technology, administrative expertise, and approach to the project.

Reltronics Technologies, Inc. has been informed of the Living Wage requirements and the Departments of Environmental Services and Information Technology will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-2

Ordinance No. 2013-2
(Int. No. 2)

Establishing Maximum Compensation For A Professional Services Agreement For The Automated Vehicle Locator/Weather Sensor Intelligent Transportation System

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

Section 1. The sum of \$960,000, 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 Reltronics Technologies, Inc. for the installation and implementation of an Automated Vehicle Locator/Weather Sensor Intelligent Transportation System for the vehicle fleet of the Department of Environmental Services. Of said amount, \$192,000 shall be funded from the Cash Capital allocation (Refuse Fund) from prior years, \$676,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, and \$92,000 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2011-250.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-1
Re: Reappointment - Rochester Public Library Board of Trustees

Transmitted herewith for your approval is legislation confirming the reappointment of Sharon Orienter, 116 Browncroft Boulevard, Rochester 14609, to the Rochester Public Library Board of Trustees. Her current term expired December 31, 2012; the new term will extend to December 31, 2017.

Ms. Orienter was originally appointed to the Board in April 2008, and was elected in 2010 to serve as Board President. She is also a key member of the Branch Library Issues and Library Facilities Committees. She has been recommended unanimously for reappointment by the RPL board. Ms. Orienter's resume is on file with the City

Clerk.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2013-1
(Int. No. 3)

Resolution Approving Reappointment To The Rochester Public Library Board Of Trustees

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

Section 1. The Council hereby approves the reappointment of Sharon Orienter, 116 Browncroft Boulevard, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2017.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-3
Re: Agreement - ATM Rochester LLC,
ATM Services for City Facilities

Transmitted herewith for your approval is legislation authorizing an agreement with ATM Rochester LLC (Dominic Zicari, principal) to provide ATM services at municipal facilities. The vendor will install machines in five locations - Port Terminal Building, City Hall, Public Safety Building, High Falls Centers, and the Parking and Municipal Code Violations Bureau. The City will receive 40% of gross receipts from each machine.

A transaction fee of \$2.50 will be assessed for use of the machines installed at the Port, City Hall, and the High Falls Centers. The fee for the machines at the Public Safety Building and Code Violations Bureau will be \$2.75. The latter fee is based on the fact that there is greater expense and less revenue associated with machines that have a higher average value of each transaction. This results from increased expenses (cost of funds and cost of replenishing machines) without increased fees from more transactions. The industry rule-of-thumb is that the average amount per transaction is \$60-\$70. But, it is anticipated that the machines at the Public Safety Building and Code Violations Bureau will generate an average \$150 per transaction (based on dollar amounts of fines, bail, etc.).

The national average for out-of-network ATM fees is currently \$3.00 per transaction.

ATM Rochester LLC was selected through a request for proposal process which is described in the attached summary. Proposals were received from three independent service providers. None were received from banks.

The agreement will be for a period of one year with the option of four one-year renewals. The consultant has been informed of the Living Wage requirements and the Department of Neighborhood and Business Development will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-3

Ordinance No. 2013-3
(Int. No. 29)

Authorizing An Agreement For ATM 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 ATM Rochester LLC to provide ATM services to municipal facilities. The agreement shall provide the City with 40% of the gross receipts from each of the machines. The agreement shall extend for a term of one year, with four one-year renewals.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-2
Re: Reappointment - Board Of Ethics

Transmitted herewith for your approval is legislation to approve the reappointment of Richard Hannon, 72 Crawford Street, Rochester, New York 14620, to the Board of Ethics.

Terms of the other members do not expire until January 31, 2014 and January 31, 2015. Mr. Hannon's resume remains on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren
President

Resolution No. 2013-2
(Int. No. 30)

Resolution Approving Reappointment To The Board Of Ethics

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

Section 1. The Council hereby approves the reappointment of Richard Hannon, 72 Crawford Street, to the Board of Ethics for a term which shall

expire on January 31, 2016.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-4
Re: Efficiency and Effectiveness
Initiatives - CGR Study of Branch
Libraries

Transmitted herewith for your approval is legislation authorizing the use of \$25,000 from the 2012-13 Budget for Undistributed Expense (Efficiency and Effectiveness Initiatives) to finance the cost of an agreement with the Center for Governmental Research, Inc. which was approved by the RPL Board of Trustees at its November 28, 2012 meeting.

The RPL is in the process of developing a strategic plan for service delivery models for the City's ten branch libraries. The plan will address the best use of the library's collections, technology, staff, and facilities over the next five years. The planning process is being overseen by a steering committee that includes RPL staff and Trustees, and is currently examining workflow processes and operations within the branch libraries.

As part of the initial phase of the plan development, the Center for Governmental Research, Inc. (CGR) will analyze current library use and city demographic changes, and solicit community input through facilitated focus group interviews.

The RPL will combine the research of CGR with its internal organizational evaluation to produce written recommendations for the next five years, as well as immediate recommendations regarding service delivery models - including potential changes in branch locations - for RPL.

CGR is recommended based on their prior evaluation and facilitation services for RPL, including the Branch Strategic Plan completed in 2000. City Administration plans to use the results of this study to inform the 2013-14 budget process, and has agreed to provide the funding required.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-4
(Int. No. 33)

Approving Funding For Library Agreement

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

Section 1. The Council hereby approves funding in the maximum amount of \$25,000 from the 2012-13 Budget for Undistributed Expense for an agree-

ment between the Rochester Public Library and the Center for Governmental Research, Inc. for a Rochester Public Library Community Study.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-5
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 \$43,171.93.

The affected property located at 15 Boys Club Place (a.k.a. 1 Favor Street) is owned by Rochester Youth For Christ (RYC), a not-for-profit, 501(c)(3) organization. The property was acquired by RYC on May 13, 2010 from Vineyard Christian Church, also a 501(c)(3) organization. The property had been 100% exempt based on the prior owner's use. Upon transfer, RYC failed to file the necessary RP420-a organization and use forms by February 1, 2011 to obtain their own exemption based on their charitable use. Therefore, the property was made taxable for the 2011-12 fiscal year and supplemental taxes were added from the date of transfer. However, RYC was utilizing the property for their programs from the date of transfer and would have been entitled to the exemption.

If these cancellations are approved, total cancellations thus far for 2012-13 will be as follows:

	<u>Accounts</u>	<u>Amount</u>
City Council	7	\$163,333.84
Administrative	98	25,762.03
Total	105	\$189,095.87

These cancellations represent 0.079% of the taxes receivable as of July 1, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-5
(Int. No. 34)

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 15 Boys Club Place, a.k.a. 1 Favor Street, is owned by Rochester Youth For Christ (RYC), a not for profit, 501(c)(3) organization. The property was acquired by RYC on 5/13/2010 from Vineyard Christian Church, also a 501(c)(3)

organization, and the property had been exempt based on the prior owner's use. Upon transfer, RYC failed to file the necessary exemption applications by February 1, 2011 to obtain their own exemption based on their charitable use. Therefore, the property was made taxable for the 2011-12 fiscal year and supplemental taxes were added from the date of transfer. However, RYC was utilizing the property for their programs from the date of transfer and would have been entitled to their own exemption.

<u>S.B.L. #</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>	<u>Subtotal</u>
121.38-1-1.3	H	15 Boys Club Place	2012	\$43,171.93	\$43,171.93
Sub Total					\$43,171.93
Grand Total					\$43,171.93

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. 2013-6
Re: Budget Amendment - Debt Service And Bond Anticipation Notes

Transmitted herewith for your approval is legislation amending the 2012-13 Budget by appropriating a total of \$435,000 from the Premium and Interest fund and transferring it to the Debt Service Fund to provide additional payments of principal on outstanding debt.

Bond Anticipation Notes were issued for various projects in past years based on initial cost estimates. These projects are now complete and final costs were lower than estimated. As required by statute, the proceeds of unspent BANs must be used to pay back the outstanding debt related to the respective projects.

Given the current low interest environment for municipal bonds, the portions of the BANs required for the projects will be converted to bonds in February 2013. It is financially prudent to pay down the principal amounts as much as possible prior to converting to long-term debt (bonds). The table below summarizes the original BAN issued, the amount that will be converted to long-term debt; and the unspent amount that will be used to pay down principal.

Fund	Ord. No.	Original BAN	Convert to bonds	Unspent Amount
General	2009-322			
	Streets: Lawn Street Improvement	\$435,000	\$230,000	\$ 70,000
General	2010-378			
	Asbestos abatement, demolition - 1170 Genesee St.	\$865,000	\$375,000	270,000
General	2010-426			
	Acquisition of Monroe County Boat Launch in City	\$205,000	\$180,000	5,000
Sewer	2009-046			
	Sewer improvements: 2009 Street Improvement Program	\$90,000	\$0	70,000
Water	2009-050			
	Reconstruction of water mains: Brooks Ave Improvement	\$16,000	\$0	5,000
Water	2009-323			
	Reconstruction of water mains: Lawn St Improvement	\$132,500	\$95,000	<u>15,000</u>
Total				\$435,000

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-6
(Int. No. 35, As Amended)

Amending The 2012-13 Budget For Debt Repayment And Issuance

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Debt Service by the sum of \$435,000, which amount is hereby appropriated from the Premium and Interest Fund to fund the repayment of debt.

Section 2. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$40,000 from the Contingency allocation to the Department of Finance to fund costs associated with the issuance of debt.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-3 and
Ordinance No. 2013-7
Re: Capital Improvement Program -
Rochester City School District

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

1. Establish \$13,839,000 as the maximum amount of debt to be authorized for the 2012-13 fiscal year for RCSD; and
2. Authorize the issuance of bonds for \$13,839,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2012-13, the RCSD liquidated \$13,839,399.64, net of exceptions, in principal. *Attachment A* is a projection of the School District debt to be repaid over the next five years.

The District's 2011-12 bonding request was approved in December 2012. It had been delayed by the fact that the New York State Education Department (NYSED) did not verify until October 2012 that the City had met the Maintenance of Effort (MOE) test for 2011-12. In addition, by letter dated December 6, 2012, NYSED determined the City had met the MOE test for 2012-13.

For cities with dependent school districts, the New York State Constitutional Debt Limit is established at 9.0% of the five-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the School District. This split provides the District with a current remaining borrowing capacity of \$36,992,371, in accordance with the Debt Limit Calculation (*Attachment B*). However, assuming the \$14,125,000 authorized in December 2012 will be borrowed in February 2013, this limit will decrease to \$22,867,371.

Attachment C is a letter from the School District detailing the planned uses of the new bonds. This capital plan was approved by the Board of Education at its December 13, 2012 meeting.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-4

Resolution No. 2013-3
(Int. No. 36)

Approving The 2012-13 Debt Resolution For The City School District

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

WHEREAS, an important component of the City School District's expense budget and tax levy is debt service; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized for City School District purposes in fiscal year 2012-13 to \$13,839,000, which is less than the amount of debt to be redeemed in fiscal year 2012-13.

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

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

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

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

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2013-7
(Int. No. 37)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$13,839,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Vari-

ous Public School Buildings Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City in accordance with a list on file with the Director of Finance. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$13,839,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$13,839,000 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 \$13,839,000 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 \$13,839,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

Passed unanimously.

By Councilmember Palumbo
January 22, 2013

To the Council:

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

Int. No. 4 - Authorizing The Sale Of Real Estate

Int. No. 5 - Authorizing An Agreement For Housing In The JOSANA Neighborhood

Int. No. 6 - Authorizing An Agreement For The Rehabilitation Of 293 Hamilton Street

Int. No. 7 - Authorizing An Agreement For A Marketview Heights Urban Renewal District Plan

Int. No. 8 - Amending Ordinance No. 2008-210, Relating To The Marketview Heights Association Rental Housing Project

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-8
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 52 properties. With the exception of purchasers of unbuildable vacant land, City records have been audited to ensure that purchasers do not own city 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 38 properties were sold to the respective highest bidder at the December 7, 2012 real estate auction. All purchasers will rehabilitate the structures within 12 months of the approval of the sale.

The next property, 114 Northland Ave, is being sold to its former owner at appraised value. The property will be combined with their adjoining parcel.

The next property will be sold to Rochester Housing Development Fund Corporation (RHDFC) for rehabilitation and will then be sold to an owner-occupant first-time buyer.

The final 12 properties are vacant lots and are being sold to Flower City Habitat for Humanity. Subdivisions will occur and will result in eleven single-family homes being constructed.

The first year projected tax revenue for these 52 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$31,485.

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. AM-5

Ordinance No. 2013-8
(Int. No. 4)

Authorizing The Sale Of Real Estate

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

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Use</u>	<u>Price</u>	<u>Purchaser</u>
55 Bartlett Street	121.61-2-6	33 x 94	1 Family	\$ 400	Veronica L. Anthony
70 Bartlett Street	121.61-1-56	33 x 14	1 Family	\$ 400	Veronica L. Anthony
78 Bloss Street	105.51-2-33	33 x 94	1 Family	\$ 4,000	Ross A. Conley
736 W. Broad Street	105.84-1-1	33 x 80	1 Family	\$ 4,400	Luis Ferrar
647 Brown Street	120.35-3-81	32 x 70	1 Family	\$ 400	Musliha S. Ahmed
718 Brown Street	120.43-1-6	39 x 117	1 Family	\$ 4,600	Maximo F. DelValle and Christine Y. Arvelo
123 Cady Street	120.60-2-8	33 x 189	1 Family	\$ 1,500	Robert Thayer
125 Cady Street	120.60-2-7	34 x 189	1 Family	\$ 400	Robert Thayer
71 Champlain Street	121.53-3-13.4	33 x 141	1 Family	\$ 3,500	Brandon Miller
*65 Champlain Street	121.53-3-14	33 x 141	Vacant		Brandon Miller
416 Champlain Street	120.59-2-50	43 x 158	1 Family	\$14,000	David Mankowski
*410 Champlain Street	120.59-2-49	33 x 158	Vacant		David Mankowski
423 Champlain Street	120.59-2-67	36 x 141	1 Family	\$ 5,000	Maximo F. DelValle and Christine Y. Arvelo
1874 Clifford Avenue	107.30-1-9	27 x 76	1 Family	\$ 4,600	David Mankowski
501 Colvin Street	105.73-2-78	35 x 101	1 Family	\$ 2,000	Bernard Dickerson
214 Curtis Street	105.40-3-19	30 x 110	1 Family	\$ 9,600	Maximo F. DelValle and Christine Y. Arvelo
166 Flint Street	121.69-2-72	36 x 92	2 Family	\$ 4,100	Jeffrey Walker
11 Glasser Street	105.82-1-20	40 x 75	1 Family	\$ 2,200	Jonathan L. Ivey
12 Glasser Street	105.82-1-25	40 x 76	1 Family	\$ 5,800	Ross A. Conley
588-590 N. Goodman Street	106-68-2-89	55 x 99	2 Family	\$ 5,900	Sherif S. El Nagggar
*594 N. Goodman Street	106.68-2-90	45 x 112	Vacant		Sherif S. El Nagggar
669 N. Goodman Street	106.60-1-33	37 x 96	1 Family	\$ 4,000	Luis Ferrar
430 Hague Street	105.80-1-30	50 x 100	1 Family	\$ 8,000	Ron Stebbins
63 Holworthy Street	105.80-1-2	40 x 123	1 Family	\$ 3,200	Travaris Meeks
101 Locust Street	105.42-1-5	40 x 118	1 Family	\$ 5,600	Beverly Campbell
101 Mohawk Street	091.75-2-39	36 x 96	1 Family	\$12,000	Jeffrey Walker
179 Parkway	105.59-1-15	33 x 145	1 Family	\$ 3,000	Ross Conley
195 Parkway	105.59-1-11	33 x 100	1 Family	\$ 2,700	Johnny M. Harris, Jr.
*191 Parkway	105.91-1-12	33 x 100	Vacant		Johnny M. Harris, Jr.
297-299 Parsells Avenue	107.62-1-14	50 x 149	2 Family	\$ 2,400	Sherif S. El Nagggar
1238 St. Paul Street	105.28-2-13	40 x 120	1 Family	\$ 4,200	Paula Edwards
*1232 St. Paul Street	105.28-2-12	40 x 120	Vacant		Paula Edwards
250 Wilkins Street	106.24-1-75	40 x 102	1 Family	\$ 8,300	Beverly Campbell
*260 Wilkins Street	106.24-1-73.1	70 x 102	Vacant		Beverly Campbell
274 Wilkins Street	106.24-1-69	34 x 102	1 Family	\$ 5,500	Benjamin Rodriguez
116 Woodward Street	106.74-1-1	33 x 131	2 Family	\$ 3,000	Jeffrey Walker

*114 Woodward Street 106.66-2-43 33 x 131 Vacant Jeffrey Walker
 8 Wright Terrace 106.43-1-48 30 x 84 1 Family \$ 4,000 Beverly Campbell

*Indicates vacant lots sold in conjunction with the structure listed above it.

Section 2. The Council hereby approves the purchase of the following parcel of land by former owner:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
114 Northland Avenue	091.84-3-18	35 x 120	4,242	\$ 1,600	Ruth K. Allen

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
170 Lexington Avenue	105.27-1-6	40 x 115	4,600	\$ 4,500	Rochester Housing Development Fund**

** Board of Directors: Kevin Recchia, Esq., President; Bret Garwood, Vice President; Alma Balanon-Rosen, Secretary; Joan Dallis, Member; Gerry DiMarco, Esq., Member; Kabutey Ocansey, Member; Julio Vazquez, Member

Section 4. 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>
721 Jay Street	105.82-3-22	41 x 111	4,643	\$ 425	Flower City Habitat for Humanity***
726-728 Jay Street	105.82-1-12.1	75 x 120	9,013	\$ 550	Flower City Habitat for Humanity
779 Jay Street	105.81-3-16	43 x 116	5,193	\$ 450	Flower City Habitat for Humanity
796 Jay Street	105.81-2-45.1	40 x 120	4,831	\$ 425	Flower City Habitat for Humanity
8 Kondolf Street	105.82-1-57.1	84 x 80	6,730	\$ 475	Flower City Habitat for Humanity
10 Kondolf Street	105.82-1-58	42 x 80	3,365	\$ 375	Flower City Habitat for Humanity
27-31 Murray Street	105.81-2-33	70 x 82	5,775	\$ 450	Flower City Habitat for Humanity
43 Murray Street	105.81-2-35.1	70 x 82	5,775	\$ 450	Flower City Habitat for Humanity
1 Rugraff Street	105.81-2-69.1	60 x 64	3,852	\$ 400	Flower City Habitat for Humanity
3 Rugraff Street	105.81-2-70.1	60 x 63	3,841	\$ 375	Flower City Habitat for Humanity
168 Whitney Street	105.82-2-30	30 x 106	3,287	\$ 325	Flower City Habitat for Humanity
170 Whitney Street	105.82-2-29	35 x 106	3,759	\$ 400	Flower City Habitat for Humanity

*** Board of Directors: Russ Bullock, Chair; Lisa Critchley, Vice Chair; Michael Doody, Treasurer; Tim Scahill, Secretary; Tom Rogers, Past Chair; Arthur Woodward, FCHH President

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-9
 Re: Grant Agreement - Flower City
 Habitat for Humanity, New
 Construction

Transmitted herewith for your approval is legislation authorizing a grant in the amount of \$180,000 to Flower City Habitat for Humanity for construction of new housing in the city; and, to fund the grant, appropriating a total of \$170,000 in HOME Program funds from the 2011-12 (\$50,000) and 2012-13 (\$120,000) New Construction allocations of the Housing Development Fund. The balance of the grant, \$10,000, will be funded from 2011-12 New Construction funds previously appropriated via Ordinance No. 2011-210.

The grant will be used as a subsidy for the construction of 11 single-family houses in and immediately adjacent to the JOSANA neighborhood. A request for the sale of 12 vacant lots for this project has been submitted in separate legislation for Council consideration at the January 2013 meeting.

The houses will be built within, and immediately adjacent to, the JOSANA neighborhood where the residents, together with the City and other stakeholders, are working on a revitalization strategy resulting from the Neighborhood Master Plan completed in early 2011. All resident and stakeholder activities are guided by a joint vision articulated in the Neighborhood Plan. Habitat's new construction activity plays a vital role in that strategy.

The houses will be sold to families selected by a Habitat committee, with the following criteria:

- No member of the family can be receiving public assistance other than Social Security
- Annual household income must be between 30% and 50% of the median family income
- Families with children currently in substandard rental housing at present will have the highest priority
- Applicants must be able to finance housing costs of \$450 a month plus utilities
- Applicants must have proof of citizenship or permanent resident status

Each family must contribute 450 hours of "sweat equity" toward home building. The first 250 hours are spent on building other peoples' houses and the remaining hours are spent in building their own house. The families must also attend seven workshops on home ownership. The houses will be sold for approximately \$61,000, and Habitat provides a 30-year mortgage with a 0% interest rate.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-6

Ordinance No. 2013-9
(Int. No. 5)

Authorizing An Agreement For Housing In The JOSANA Neighborhood

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Flower City Habitat for Humanity for the construction of new housing in and immediately adjacent to the JOSANA neighborhood.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$180,000, and of said amount, or so much thereof

as may be necessary, \$120,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (New Housing Construction Account) of the 2012-13 HOME Program, \$50,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (New Housing Construction Account) of the 2011-12 HOME Program and \$10,000 shall be funded from the appropriation of 2011-12 HOME Program New Construction funds in Section 2 of Ordinance No. 2011-210.

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. 2013-10
Re: Agreement - Southwedge Planning Committee, Rehabilitation of 293 Hamilton Street.

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Southwedge Planning Committee, Inc. (SWPC) for the rehabilitation of 293 Hamilton Street. The cost of the agreement will be funded by prior years' Cash Capital (Department of Neighborhood and Business Development).

SWPC has secured a total of \$135,000 in funding to purchase and rehabilitate 293 Hamilton Street located in the city's Southwedge neighborhood. The total project cost of \$185,000 will be met through these funds and the \$50,000 in City funds requested herein.

The property was formerly on the City demolition list and has been vacant since 2003. It has a long history of code violations and much of the structure has been gutted including all of the mechanical components. SWPC will fully restore the property to be sold to an income eligible first-time homebuyer. The selling price is expected to be \$100,000.

The high cost of the rehabilitation work disqualifies this project from the City's Home Rochester program. However, SWPC will follow the Home Rochester development model to ensure consistency with City policies and procedures. This approach is currently being used in an acquisition/rehabilitation program operating through the Urban League Economic Development Corporation (ULEDC).

Like SWPC, the ULEDC received State funding to purchase and rehabilitate single-family homes and to date has been successful with the program.

Should SWPC be successful, this type of development model may prove to be a viable alternative to Home Rochester to acquire and rehabilitate properties that may otherwise be demolished or remain in the community as blight.

Construction is expected to start by March 1, 2013 and be completed by June 30, 2013.

Funding sources for the project are as follows:

Clarion Opportunity Fund	\$ 50,000
New York State	35,000
City of Rochester	50,000
Southwedge Neighborhood Development Fund	<u>50,000</u>
Total	\$185,000

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-7

Ordinance No. 2013-10
(Int. No. 6)

Authorizing An Agreement For The Rehabilitation Of 293 Hamilton 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 Southwedge Planning Committee, Inc. (SWPC) for the rehabilitation of housing at 293 Hamilton Street.

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. 2013-11
Re: Agreement - Interface Studio, LLC,
Marketview Heights Focused
Investment Strategy Area - Urban
Renewal District Plan

Transmitted herewith for your approval is legislation establishing \$89,000 as maximum compensation for an agreement with Interface Studio, LLC (Philadelphia, PA) for the development of a Marketview Heights Urban Renewal District Plan, and appropriating \$20,000 from the Community Plan and Leadership Development allocation of the

Neighborhood and Asset-Based Planning Fund of the 2012-13 Community Development Block Grant to partially fund the cost of the agreement. The remaining cost of \$69,000 will be funded as follows:

Prior Years' Cash Capital (FIS)	\$20,982
2012-13 Cash Capital (FIS)	\$48,018

The agreement will fund the development of a Marketview Heights Urban Renewal District Plan for the strategic revitalization of the area in conjunction with its designation as Focused Investment Strategy area. The Plan will be used to guide revitalization efforts in the Marketview Heights Urban Renewal District, inform funding decisions for development and other investment activities in the district, and ensure that all current and future activities and interests are consistent with the Plan's vision. As substantial planning efforts have already been undertaken in the area, this effort will be dedicated to coordinating existing vision and producing the elements required to establish the Urban Renewal District. The additional powers associated with Urban Renewal District designation will offer valuable tools for addressing the unique challenges of the area's built environment.

The consultant will provide a comprehensive analysis of existing conditions that identifies current constraints and challenges to redevelopment, a summary of existing planning efforts and market information relevant to the Urban Renewal District, generate three redevelopment concepts for consideration, including identification of the preferred redevelopment concept, and then compose and submit a final Urban Renewal District Plan.

Interface Studio LLC was selected through a Request for Proposal process, which is described in the attached summary. The term of this agreement will be for one year.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-8

Ordinance No. 2013-11
(Int. No. 7)

Authorizing An Agreement For A Marketview Heights Urban Renewal District Plan

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Interface Studio LLC for development of the Marketview Heights Urban Renewal District Plan.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$89,000, and of said amount, or so much thereof as may be necessary, \$20,000 is hereby appropriated from the Improving the Housing Stock and General

Property Conditions Objective, Neighborhood and Asset Based Planning Fund allocation (Community Plan & Leadership Development Account) of the 2012-13 Community Development Block Grant, \$20,982 shall be funded from the Cash Capital allocation from prior years and \$48,018 shall be funded from the 2012-13 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2013-12
Re: Amendment - Ordinance No. 2008-210,
Marketview Heights Association Rental
Housing Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2008-210 which authorized a loan to Marketview Heights Association, Inc. (MVHA) for the Marketview Heights Association Rental Housing Project. Ordinance No. 2011-103 subsequently authorized an increase of \$100,000 to the loan. This amendment will increase the loan by an additional \$25,000 for a total of \$205,000. The additional cost will be funded from prior years' cash capital.

The project involves the redevelopment of two buildings at 302-308 North Street as eight affordable rental housing units and new office space for the Association. The project has suffered significant setbacks resulting from additional New York State environmental and design requirements and water damage discovered during the construction process. In order to move the project to completion, the MVHA has been working with its partners to address the increase in costs of \$230,006 stemming from these issues. The partners agreed to share the increased cost based on their capacity to contribute. They include the following:

<u>Project Partners</u>		
<u>Amount</u>		<u>Type of Contribution</u>
Marketview Heights Association	\$ 60,017	Equity
New York State	92,989	Loan
Greater Rochester Housing Partnership	25,000	Loan
City of Rochester	25,000	Loan
Nathaniel Construction	24,000	Concession
David Galbo Architects	3,000	Concession
Total	\$230,006	

The updated project budget is as follows:

<u>Construction Financing</u>	<u>Amount</u>
City of Rochester	\$ 205,000
GRHP Loan	1,122,886
Federal Home Loan Bank	166,500
Developer Equity - MVHA	150,964
GRHP Loan	25,000
Total	\$1,670,350

<u>Permanent Financing</u>	<u>Amount</u>
City of Rochester	\$ 205,000
New York State	1,122,886
FHLB	166,500
Developer equity	150,964
GRHP Loan	25,000
Total	\$1,670,350

A PILOT agreement for the project was authorized via Ordinance No. 2008-211.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-12
(Int. No. 8)

Amending Ordinance No. 2008-210, Relating To The Marketview Heights Association Rental Housing Project

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

Section 1. Ordinance No. 2008-210, as amended by Ordinance No. 2011-103, relating to a loan agreement for the Marketview Heights Association Rental Housing Project, is hereby amended by increasing the amount of the loan authorized therein from \$180,000 to \$205,000, which increase of \$25,000 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Scott
January 22, 2013

To the Council:

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

Int. No. 9 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project

Int. No. 10 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Walks Program

Int. No. 11 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,600,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The City's South Clin-

ton Avenue Water Supply Conduits Located In The Towns Of Brighton And Henrietta

Int. No. 12 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

Int. No. 13 - Amending Ordinance No. 2012-422, Relating To An Agreement For Move Management Services

Int. No. 14 - Amending The 2012-13 Budget For The R.O.A.R. Program

Int. No. 25 - Amending Ordinance No. 2012-423 Relating To An Amendatory Agreement For Cleanup Of 62-64 Scio Street

Int. No. 26 - Establishing Maximum Compensation For A Professional Services Agreement For The Manhattan Square Park Improvement Project

Int. No. 27 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Rehabilitation Project

Int. No. 28 - Authorizing An Agreement With The Rochester City School District For The Fueling Of Fire Vehicles

Int. No. 31 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Construction Of A New Parking Area As Part Of The Mt. Hope Avenue Phase II Village District Project In The City

Int. No. 32 - Approving Agreements For Public Improvements As Part Of The Mt. Hope Avenue Phase II Village District Project

Int. No. 38 - Establishing Maximum Compensation For A Professional Services Agreement For The Durand Eastman Beach Water Quality Improvements Project

Int. No. 39 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$442,000 Bonds Of Said City To Finance The Cost Of The Construction Of A Storm Water Treatment System At Durand Eastman Beach In The City

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

Int. No. 15 - Amending The Official Map By Abandonment Of Evans Street

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-13
Re: Amendatory Agreement - Lu
Engineers, P.C., RPR Services,
Dewey/Driving Park Preventive
Maintenance Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lu Engineers for additional resident project representation (RPR) services for the Dewey/Driving Park Preventive Maintenance Project. Ordinance No. 2012-211 authorized \$159,000 as maximum compensation for the original agreement, which was subsequently amended (Ord. No. 2012-369) to replace a portion of the City funds with NYS Marchiselli Aid. This amendment will increase compensation by \$46,000 for a total of \$205,000. The additional cost will be funded from bonds previously appropriated via Ordinance No. 2012-210 for the project.

The Dewey/Driving Park Preventive Maintenance Project includes resetting or replacement of portions of existing curb; replacement of sidewalks at various locations; and the milling and resurfacing of portions of Dewey Avenue and Driving Park Avenue.

Two factors have contributed to the need for increased RPR services. First, design changes to the traffic sign plans for the streets delayed completion of the work by one month, from November to December 2012, resulting in an additional cost of \$16,000.

Second, the original budget estimate assumed a level of RPR services consistent with a typical City milling and resurfacing project. However, the use of Federal funds requires the City to adhere to New York State Department of Transportation administrative standards and procedures, which resulted in a greater level of RPR services. It was necessary to provide another full time inspector for the work at a cost of \$30,000.

The additional funding results in the creation/retention of the equivalent of .5 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-9

Ordinance No. 2013-13
(Int. No. 9)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Dewey Avenue And Driving Park Avenue Preventive Maintenance Project

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

Section 1. The sum of \$46,000, or so much

thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engineers, P.C. for resident project representation services for the Dewey Avenue and Driving Park Avenue Preventive Maintenance Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2012-210.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-14
Re: Agreement - University of Rochester
Medical Center/Center for Community
Health, Rochester Walks

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with the Center for Community Health of the University of Rochester Medical Center for services related to the Rochester Walks initiative. The cost of the agreement will be financed from prior years' Cash Capital (Department of Environmental Services).

Rochester Walks is a City initiative focused on encouraging Rochester residents to become more physically active. The initiative specifically supports walking by labeling safe and interesting walking routes, and establishing walking clubs to bring neighbors together for fun and fitness. Partners in this effort include the Center for Community Health and Action for a Better Community.

The Center for Community Health will design and fabricate signs for installation by the City on walking routes in each of the four Focused Investment Strategy (FIS) Areas. The routes were developed in conjunction with the neighborhoods.

Council authorization is required since this agreement, along with an existing item with the Center for Community Health, exceeds the \$10,000 threshold for Council approval.

This project will be completed in spring 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-14
(Int. No. 10)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Walks Program

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the University of Rochester Medical Center/Center for Community Health for the marking and signing of walking routes for the Rochester Walks Program. 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. 2013-15 and
Ordinance No. 2013-16
Re: South Clinton Avenue Conduit
Modernization, Phase 2

Transmitted herewith for your approval is legislation relating to the South Clinton Avenue Conduit Modernization, Phase 2 Project. This legislation will:

1. Authorize the issuance of bonds totaling \$7,600,000 and the appropriation of the proceeds thereof to finance construction and construction administration and RPR services.
2. Authorize an amendatory agreement with Bergmann Associates. The original agreement, authorized via Ordinance No. 2011-330, provided for project design services at a cost of \$700,000. This amendment will:
 - a. Expand the scope of services to include construction administration and RPR services for the project;
 - b. Extend the term to July 2016; and
 - c. Increase maximum compensation by \$480,000 for a total of \$1,180,000. The additional cost will be financed from the bonds appropriated herein.

The project involves the rehabilitation and replacement of sections of two existing water supply conduits on South Clinton Avenue, between I-590 and Brighton-Henrietta Town Line Road in the Towns of Brighton and Henrietta. This is the second phase of a two-phase project to modernize Conduits 2 and 3 along South Clinton Avenue. The first phase of this project, located between I-590 and Elmwood Avenue, was completed in 2010.

Ordinance No. 2012-366 authorized an agreement with Monroe County for pavement resurfacing improvements that will be performed as part of this project. Those costs, estimated at \$100,000 will be reimbursed by Monroe County.

Bids for construction were received on December 20, 2012. The work will be performed by Villager Construction, Inc., at a cost of \$6,496,521. An

additional \$623,479 will be allocated for contingencies and material testing.

Construction is expected to begin this spring and be completed by the summer of 2014.

The project results in the creation/retention of the equivalent of 82 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-10

Ordinance No. 2013-15
(Int. No. 11)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,600,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The City's South Clinton Avenue Water Supply Conduits Located In The Towns Of Brighton And Henrietta

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of the City's water supply conduits located along South Clinton Avenue between I-590 and Brighton-Henrietta Town Line Road in the Towns of Brighton and Henrietta, as part of Phase 2 of the South Clinton Avenue Conduit Modernization Project (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 \$7,600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$7,600,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$7,600,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$7,600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a

newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2013-16
(Int. No. 12)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Clinton Avenue Conduit Modernization Project

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

Section 1. The sum of \$480,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for construction design and resident project representation services for Phase 2 of the South Clinton Avenue Conduit Modernization Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for the Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-17
Re: Amending Ordinance No. 2012-422 -
Move Management Services

Transmitted herewith for your approval is legislation amending Ordinance No. 2012-422 to correct the name of one of the providers of move management services.

The ordinance incorrectly named one of the vendors as the LeChase-Cummings Team. The correct vendor name is Cummings Construction, LLC, (Rochester, NY). All other aspects of the ordinance remain as originally approved.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-17
(Int. No. 13)

Amending Ordinance No. 2012-422, Relating To An Agreement For Move Management Services

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

Section 1. Ordinance No. 2012-422, relating to

an agreement for move management services, is hereby amended by authorizing the agreement to be with Cummings Construction, LLC instead of the LeChase Cummings Team.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-18
Re: Budget Amendment - Employment
Of Academy R.O.A.R Program
Participants

Transmitted herewith for your approval is legislation amending the 2012-13 Budget of the Department of Environmental Services to reflect the receipt and use of \$48,800 from the Job Development Fund for the employment of Academy R.O.A.R. (Reaching Occupational Achievement for Residents of Rochester) program participants. The Job Development Fund was established to provide resources for new approaches to job opportunities for City residents; this appropriation will leave a balance of \$103,900 in the Fund.

These funds will support the employment of up to five Academy R.O.A.R. program participants on projects at City cemeteries and parking garages. Participants will shadow and assist City employees involved in the skilled construction trades.

Academy R.O.A.R. recruits and trains city residents for training in work related to the Rochester City School District Facilities Modernization program. The training involves a twelve-week pre-apprenticeship program designed to help participants to select a construction trade and learn the skills necessary to perform the work associated with the trade.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-18
(Int. No. 14)

Amending The 2012-13 Budget For The R.O.A.R. Program

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$48,800, which amount is hereby appropriated from the Job Development Fund to fund the employment of Academy R.O.A.R. (Reaching Occupational Achievement for Residents of Rochester) Program participants.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-19
Re: Amending Ordinance No. 2012-423 -
Amendatory Agreement with Lu
Engineers

Transmitted herewith for your approval is legislation amending Ordinance No. 2012-423 to correct the source of funding for the cost of an amendatory agreement with Lu Engineers.

The original legislation authorized \$94,300 as additional compensation for the completion of environmental cleanup at a City-owned property located at 62-64 Scio Street to be funded from a US EPA grant and from prior years' Cash Capital. However, it was subsequently determined that only a smaller portion of the planned grant funds was available for this purpose. The original and amended amounts are summarized below:

	Authorized via <u>Ord. 2012-423</u>	Proposed <u>Amendment</u>
US EPA Grant	\$15,900	\$ 7,900
Prior years' Cash Capital	<u>78,400</u>	<u>86,400</u>
Total	\$94,300	\$94,300

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-19
(Int. No. 25)

Amending Ordinance No. 2012-423 Relating To An Amendatory Agreement For Cleanup Of 62-64 Scio Street

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

Section 1. Ordinance No. 2012-423, relating to an amendatory agreement for environmental cleanup of the City-owned parcel at 62-64 Scio Street, is hereby amended by changing the source of funding for the maximum amount of \$94,300 to read: \$7,900 shall be funded from the United States Environmental Protection Agency Brownfields Cleanup Grant Funds appropriated in Ordinance No. 2011-278, and \$86,400 shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-20
Re: Agreement - Stantec, Design and
RPR Services, Manhattan Square
Park Improvement Project Phase IIIC

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc. for engineering design and resident project representation (RPR) services required for Phase IIIC of the Manhattan Square Park Improvement Project. The cost of the agreement will be funded from the proceeds of bonds previously authorized via Ordinance No. 2011-307 (\$50,000) and Ordinance No. 2012-446 (\$100,000).

Manhattan Square Park was constructed in 1971 as part of the Southeast Loop Urban Renewal Project. A concept plan for revitalizing the park was completed in 2002 and included several phases of improvements. Phases I and II have been completed and included the renovation of the children's play area, safety improvements to the outdoor electrical system and space frame lighting, reconstruction of the ice rink/reflecting pool, and expansion of the pavilion. Phase III sub-phases A and B, completed as of December 2012, consisted of substantial rehabilitation of the lodge building including installation of a kitchen.

Phase IIIC will provide new electric and mechanical systems and improvements to the water service required for reactivation of the fountain at Manhattan Square Park. Stantec will provide design and RPR services for this work. Stantec performed RPR services for all work under Phases I through IIIB. This agreement will allow Stantec to continue RPR on Phase IIIC. A justification for not issuing a request for proposals for these services is attached.

Phase IIIC work will begin in spring 2013 and is expected to be complete by summer 2013. This agreement will result in the creation or retention of the equivalent of 1.6 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-11

Ordinance No. 2013-20
(Int. No. 26)

Establishing Maximum Compensation For A Professional Services Agreement For The Manhattan Square Park Improvement Project

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

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering design and resident project representation services for Phase IIIC of the Manhattan Square Park Im-

provement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$50,000 shall be funded from Bond Ordinance No. 2011-307 and \$100,000 shall be funded from Bond Ordinance No. 2012-446.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-21
Re: Amendatory Agreement - Stantec Consulting Services Inc., RPR Services, Jefferson Avenue Rehabilitation Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services Inc. for additional resident project representation services (RPR) for the Jefferson Avenue Rehabilitation Project. Maximum compensation of \$260,000 was authorized for the original agreement (Ord. No. 2011-359). This amendment will increase that amount by \$96,000 for a total of \$356,000. The additional cost will be funded from Bond Ordinance 2011-360 (\$86,550) and Department of Environmental Services' prior years cash capital allocations (\$9,450).

The Jefferson Avenue Rehabilitation Project includes the rehabilitation of pavement; spot replacement of curbs, sidewalks and driveway aprons; new lighting and traffic signals; and tree planting along Jefferson Ave. from West Main St. to Plymouth Ave. Work also includes construction of a new gateway wall and sign feature at the intersection of Jefferson and Plymouth.

Utility delays and design changes combined to extend the completion date by two months from September to November 2012, resulting in the need for additional services. The project required removal of abandoned utility poles located along the street. RG&E and Time Warner did not remove the poles until November, delaying completion of sidewalk, curb, and paving work at those locations. The City will seek reimbursement from RG&E and Time Warner for the additional costs attributable to their delays.

Also contributing to delays were the stricter administrative and inspection standards and procedures required by New York State Department of Transportation for Federally funded projects. City-furnished anchor bolts that were originally to be used in new light pole bases could not be certified per NYSDOT requirements without significant delay. The contractor was eventually required to provide certified anchor bolts from another source. This delayed light pole installation until early November, resulting in additional RPR services at a cost of \$42,000.

Furthermore, adherence to NYSDOT standards

required a greater overall level of RPR services than normally required for City projects. This required increased RPR staffing at an estimated additional cost of \$54,000.

The additional funding results in the creation/retention of the equivalent of 1 full-time job.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-21
(Int. No. 27)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Rehabilitation Project

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

Section 1. The sum of \$96,000, 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 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. Of said amount, \$86,550 shall be funded from Bond Ordinance No. 2011-360 and \$9,450 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. 2013-22
Re: Inter-Municipal Agreement - Rochester City School District, Vehicle Fueling for Rochester Fire Department

Transmitted herewith for your approval is legislation authorizing a five-year agreement with the Rochester City School District (RCSD) for diesel fueling services for the Rochester Fire Department. The agreement will extend through December 31, 2017. The cost of the agreement will be funded from the annual Budgets of the Department of Environmental Services, beginning with the 2012-13 fiscal year.

RCSD will provide access to their fueling facility on Hudson Avenue for use by the Rochester Fire Department. The City will be charged a per gallon rate reflecting the District's actual cost, and will reimburse the District on a monthly basis. It is anticipated that approximately 1,000 gallons will be used annually.

Three fire houses have on-site fuel tanks that have been, or will be, shut down due to their poor condition. These stations - Engine 2 on North Clinton Ave, Engine 16/Truck 6 on Hudson Avenue, and Engine 9 on North Goodman Street - will be the primary users of the RCSD facility. It is possible that other companies would use the facility in the event of a large, prolonged event requiring multiple companies to respond.

Access to the RCSD Hudson Avenue facility is much more cost effective than replacing the tanks, and its proximity to these three stations is a better alternative to the City's fueling facility at Mt. Read Boulevard.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-22
(Int. No. 28)

Authorizing An Agreement With The Rochester City School District For The Fueling Of Fire 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 City School District (RCSD) for the fueling of Rochester Fire Department vehicles at the RCSD Transportation Department at 835 Hudson Avenue. The agreement may extend for a term of five years. The agreement shall obligate the City to reimburse the RCSD for the actual cost of the fuel. Said amounts shall be funded from the annual budgets of the Department of Environmental Services, contingent upon adoption of future budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-23 and
Ordinance No. 2013-24
Re: Mt. Hope Avenue Phase II Village
District

Transmitted herewith for your approval is legislation relating to the Mount Hope Avenue Phase II Village District. This legislation will:

- 1. Authorize the issuance of bonds in the amount of \$800,000 and the appropriation of the proceeds thereof to finance the cost of construction of public improvements for the District.

- 2. Establish \$200,000 as maximum compensation for an agreement with Mamasan's Monroe LLC, for construction of public improvements to be funded from the bonds appropriated herein.
- 3. Establish \$183,000 as maximum compensation for an agreement with David L. Gandell, for construction of public improvements to be funded from the bonds appropriated herein.

As part of Phase I of the Mt. Hope Improvement Project, a median was constructed in Mount Hope Avenue between Rossiter Road and Elmwood Avenue to eliminate left turns in and out of commercial driveways in this portion of Mount Hope Avenue. Traffic studies have identified those left turns as a contributing factor to serious accidents in this part of the street.

To mitigate the reduction in customer convenience, the business owners most affected by the elimination of the left-turn access have agreed to provide shared access through the rear portions of their parking lots. The design of the shared access was authorized via Ordinance Nos. 2009-70 and 2012-152; donations of the associated easements were accepted via Ordinance 2012-153; and the parking district and its associated annual operation costs were established via Local Improvement Ordinance No. 1651.

Mamasan's Monroe LLC and David L. Gandell have both requested that their site contractors be permitted to construct the wall and associated amenities necessary to create the shared access on their properties. It was determined that the site contractors should undertake construction of the shared access due to the critical amount of site grading required for the overall project and the integration of the construction of the sites within a confined area. The agreements authorized herein will provide reimbursement of the costs to construct the shared access on these two sites.

Authorization of a similar agreement may be requested at a later date for an additional business owner affected by the elimination of the left-turn access.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-12

Ordinance No. 2013-23
(Int. No. 31)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$800,000 Bonds Of Said City To Finance The Cost Of Construction Of A New Parking Area As Part Of The Mt. Hope Avenue Phase II Village District 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 construction of a new parking area, together with incidentals and site preparation connected thereto, including construction of a shared access drive, retaining wall and screening, drainage, landscaping and grading and demolition of structures, on easements behind certain parcels along the east side of Mt. Hope Avenue between Elmwood Avenue and Fort Hill Terrace in conjunction with the reconstruction of Mt. Hope Avenue, as part of the Mt. Hope Avenue Phase II Village District 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 \$800,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$800,000 bonds of the City and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$800,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20. f of the Law, is ten (10) years.

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

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

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

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

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

Passed unanimously.

Councilmember Scott moved to amend Introductory No. 32.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

Ordinance No. 2013-24
(Int. No. 32, As Amended)

Approving Agreements For Public Improvements As Part Of The Mt. Hope Avenue Phase II Village District Project And Amending Ordinance No. 2012-411

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

Section 1. The Mayor is hereby authorized to enter into an agreement and all necessary documents with Mamasan's Monroe LLC and David L. Gandell for the construction of a retaining wall and screening and incidentals associated with the construction of shared access and parking on easement areas behind certain parcels along the east side of Mt. Hope Avenue between Elmwood Avenue and Fort Hill Terrace, as part of the Mt. Hope Avenue Phase II Village District Project.

Section 2. The documents shall obligate the City to pay Mamasan's Monroe LLC an amount not to exceed \$200,000, and to pay David L. Gandell an amount not to exceed \$183,000, and said amounts, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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

Section 4. Ordinance No. 2012-411, authorizing an agreement with College Town Rochester, LLC, is hereby amended by expanding the purpose in Section 1 to include the design, site grading, construction and inspection of a new street between Mt. Hope Avenue and East Drive and the design, construction and inspection of new bicycle facilities along Elmwood Avenue, East Drive or Mt. Hope Avenue adjacent to the College Town Development Project, and incidentals thereto, as part of the College Town Development Project. Ordinance No. 2012-411 is hereby further amended by amending Section 2 to obligate the City to pay an amount not to exceed \$3,450,000, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2012-412 and Bond Ordinance No. 2012-451.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-25 and
Ordinance No. 2013-26

Re: Agreement - Lu Engineers, Durand
Eastman Park Beach Water Quality
Improvements

Transmitted herewith for your approval is legislation related to Durand Eastman Park Beach Water Quality Improvements. This legislation will:

- 1. Authorize the issuance of bonds totaling \$442,000 and the appropriation of the proceeds thereof to partially finance the project.

- 2. Establish \$75,000 as maximum compensation for an agreement with Lu Engineers for resident project representation (RPR) services for the project. The cost of the agreement will be funded from the bonds appropriated herein (\$33,750) and a U.S. Environmental Protection Agency grant appropriated via Ordinance No. 2010-332 (\$41,250).

Since 2006, the City has operated the swimming area at Durand Beach as conditionally permitted by the Monroe County Health Department, and is required to provide temporary sanitary facilities and permanent improvements to comply with the New York State Sanitary Code. In partial satisfaction of the latter, this project provides an antimicrobial storm water treatment system at the outfall of Sherry Swamp to Lake Ontario to improve the quality of water flowing to the public bathing area at the beach, and thereby reducing the number of beach closings resulting from high bacteria levels.

Lu Engineers designed the project which includes the installation of a storm water treatment system, with a pump station, pretreatment and treatment units, and necessary appurtenances; and two years of system maintenance. The firm was selected through a request for proposal process to provide planning and design services for the project (Ord. No. 2006-352). A subsequent RFP was not issued for RPR services; a justification of this decision is attached.

Bids for construction were received on January 11, 2013. The apparent low bid of \$755,000 was submitted by DiFiore Construction Inc., which is 3% lower than the engineer's estimate. An additional \$152,000 will be allocated for project contingencies. Below is the project budget summary.

<u>Uses</u>	
Construction	\$755,000
RPR	75,000
Contingencies	152,000
Total	\$982,000

<u>Sources</u>	
Bonds requested herein	\$442,000
EPA grant	540,000
Total	\$982,000

Construction is anticipated to begin in March 2013, with completion by June 2013. The project will result in the creation/retention of the equivalent of ten full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-13

Ordinance No. 2013-25
(Int. No. 38)

Establishing Maximum Compensation For A Professional Services Agreement For The Durand Eastman Beach Water Quality Improvements Project

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

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for resident project representation services for the Durand Eastman Beach Water Quality Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$33,750 shall be funded from a bond ordinance adopted for this purpose and \$41,250 shall be funded from anticipated reimbursements from the United States Environmental Protection Agency appropriated in Ordinance No. 2010-332.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-26
(Int. No. 39)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$442,000 Bonds Of Said City To Finance The Cost Of The Construction Of A Storm Water Treatment System At Durand Eastman Beach In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of a storm water treatment system at Durand Eastman Beach, which includes a pump station, pretreatment unit, treatment unit and necessary appurtenances at the outfall of Sherry Swamp to Lake Ontario, 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 \$982,000. The plan of financing includes the issuance of \$442,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$540,000 from the United States Environmental Protection Agency appropriated in Ordinance No. 2010-332, 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 \$442,000 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 \$442,000. 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. 4. of the Law, is ten (10) years.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-27
Re: Official Map Amendment -
Abandonment of Evans Street

Transmitted herewith for your approval is legislation amending the Official Map by abandoning Evans Street. The abandonment was referred to the necessary agencies for comment.

Evans Street is located on a City-owned site that includes four parcels at 300, 304-308, and 320 Andrews Street, and 25 Evans Street. The street abandonment will facilitate the ongoing environmental remediation of the 1.5 acre site and its future redevelopment. Evans Street is approximately nine feet wide and dead ends on the northern portion of the site. A map of the site is attached.

The City Planning Commission recommended approval of this abandonment by a vote of 5-0 at its September 10, 2012 meeting. Minutes of that meeting and the recommendation are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing on the abandonment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-14

Ordinance No. 2013-27
(Int. No. 15)

Amending The Official Map By Abandonment Of Evans 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 Evans 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 Lots 6 & 7, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at the intersection of the northerly ROW line of Andrews Street (60' ROW) and the westerly ROW line of Evans Street (9' ROW), said intersection being 299.6 feet east of the easterly ROW line of North Clinton Avenue (64' ROW) and being the Point or Place of Beginning; thence

- 1) N 03°03'08"W, along said westerly ROW line of Evans Street, a distance of 211.92 feet to the southeast corner of lands appropriated by the State of New York for the Rochester City Inner Loop, Map 82, Parcel 82; thence
- 2) S 84°25'51" E, crossing said Evans Street, a distance of 9.11 feet to the southwest corner of lands appropriated by the State of New York for Rochester City Inner Loop, Map 164-R1, Parcel 167; thence
- 3) S 03°03'08" E, along the easterly ROW line of said Evans Street, a distance of 208.22 feet to the said northerly ROW line of Andrews Street; thence
- 4) S 72°24'10" W, along said ROW line of Andrews Street, a distance of 9.30 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.043 acres, more or less, all as shown on a map entitled "Map of Street to be Abandoned - Evans Street", dated May 10, 2012, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with conditions established by the City Planning Commission in its recommendations of September 10, 2012.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
January 22, 2013

To the Council:

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

Int. No. 16 - Amending Ordinance No. 2012-372, Relating To An Agreement For Psychological Evaluation Services For The Rochester Police Department

Int. No. 17 - Establishing Maximum Compensation

tion For A Professional Services Agreement For The Rochester Police Department Camera System

Int. No. 18 - Establishing Maximum Compensation For An Agreement For Step Jam

Int. No. 19 - Authorizing An Agreement For Funding For The STOP DWI Program And Amending The 2012-13 Budget

Int. No. 20 - Authorizing An Agreement For Funding For The STOP DWI Crackdown Program And Amending The 2012-13 Budget

Int. No. 21 - Establishing Maximum Compensation For A Professional Services Agreement For The Center City Skatepark

Int. No. 22 - Establishing Maximum Compensation For A Professional Services Agreement For The Summer Of Opportunity Program

Int. No. 23 - Authorizing An Agreement With The County Of Monroe With Respect To Unarraigned Prisoners

Int. No. 24 - Authorizing An Agreement With The County Of Monroe For Funding For Firearms Instruction

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-28
Re: Amendatory Agreement - Dr. Jerid M. Fisher

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Dr. Jerid M. Fisher, Ph.D. Ordinance No. 2012-372 authorized the original agreement for fitness for duty psychological evaluation services for the Rochester Police Department. At that time, Dr. Fisher was in the process of establishing a company with Dr. Robert Weisman. This amendment will change the terms of the agreement to include the newly formed company, Forensic Investigative Technologies, and Dr. Weisman as a second provider of evaluation services.

Dr. Fisher's proposal to the City included his plans for bringing Dr. Weisman into the practice, but forming the company took longer than anticipated, necessitating this amendment. All other terms of the agreement will remain the same.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-15

Ordinance No. 2013-28
(Int. No. 16)

Amending Ordinance No. 2012-372, Relating To An 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. Ordinance No. 2012-372, relating to an agreement for psychological evaluation services for the Rochester Police Department, is hereby amended by authorizing the agreement to be with Forensic Investigative Technologies instead of Jerid M. Fisher, Ph.D.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-29
Re: Agreement - Avrio RMS Group,
Overt Camera Installation and
Maintenance

Transmitted herewith for your approval is legislation establishing \$220,000 as maximum annual compensation for an agreement with Avrio RMS Group (Buffalo Grove, IL) for maintenance, service, and new installations related to the Rochester Police Department overt camera system. The cost of the agreement will be funded from the 2012-13 (\$91,670), 2013-14 (\$128,330), and subsequent Budgets of the Police Department, contingent upon their approval.

Avrio RMS Group services will cover the current network of 173 cameras and up to 30 new cameras within the next year. Services include:

- A Rochester-based field engineer dedicated to RPD
- Help-desk support staff to monitor the status of all cameras
- Routine interaction with RPD video command center supervisors
- 24-hour availability for trouble-shooting
- Daily audit of all cameras
- Annual preventative maintenance inspections for all cameras and network infrastructure
- Installation of up to 30 new cameras
- An annual report detailing maintenance, repairs and installations

This is the first time an agreement for these servic-

es has been undertaken. When the camera system was first implemented in 2008, it was decided that service and maintenance would be done in-house with sworn RPD personnel. Currently two officers are assigned nearly full-time to this activity. Despite this investment of time and effort, 20-30% of existing cameras are out of service for various reasons, and no annual preventative maintenance has been performed. The existing system, and its continued expansion, exceeds RPD's internal capacity to maintain it in good working order.

Avrio RMS Group was selected through a request for proposal process, summarized in the attached RFP information sheet. The consultant has been informed of the Living Wage requirements and the Rochester Police Department will ensure compliance.

The term of this agreement will be for one year - February 1, 2013 to January 31, 2014 - with the option to renew for three one-year periods.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-16

Ordinance No. 2013-29
(Int. No. 17)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Police Department Camera System

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

Section 1. The sum of \$220,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Avrio RMS Group for maintenance and installation of the overt camera system for the Rochester Police Department. Said amount shall be funded from the 2012-13 and 2013-14 Budgets of the Rochester Police Department, contingent upon adoption of the latter budget. The agreement shall extend from February 1, 2013 through January 31, 2014, with options to renew for three additional one-year periods in amounts not to exceed those set forth in the annual budgets for said purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-30
Re: Agreement - Community Place
Of Greater Rochester, Step
Jam Event (Forfeiture Funds)

Transmitted herewith for your approval is legisla-

tion establishing \$5,000 as maximum compensation for an agreement with Community Place of Greater Rochester for the Step Jam event. This agreement will be financed from previously appropriated (Ordinance No. 2012-349) Federal forfeited property revenues.

The Step Jam community-based event promotes character-building, teamwork, and community awareness through step competitions, with an anti-drug theme; also, in support of higher education for city youth, local colleges participate through distribution of information and availability for questions and answers. Rochester Police Department staff also attended to encourage participants to consider a career with RPD.

The remaining balance of Asset Forfeiture funds for community organizations upon approval of this agreement will be \$4,464.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-30
(Int. No. 18)

Establishing Maximum Compensation For An Agreement For Step Jam

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Community Place of Greater Rochester for the Step Jam event. Said amount shall be funded from the 2012-13 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-31 and
Ordinance No. 2013-32
Re: Agreements - Monroe
County/STOP DWI Grants

Transmitted herewith for your approval is legislation authorizing agreements with Monroe County for the receipt and use of a total of \$136,950 in New York State funding under two grant programs, and amending the 2012-13 Budget of the Police Department by \$63,000 to reflect a portion of the funds. The remaining funds will be included in the proposed 2013-14 Budget.

2013 STOP DWI Program January 1 - December 31, 2013

The STOP DWI grant, administered by the New York State Stop DWI Foundation and the Monroe County STOP DWI Program, provides \$119,670 to

the City for enhanced detection and enforcement of driving-while-intoxicated and related offenses for the 2013 calendar year. Supported activities include expenses for STOP DWI overtime details, supplies, equipment, training, breathalyzer calibration, and underage alcohol enforcement. In 2012, through the end of September, RPD officers arrested 419 individuals for DWI, conducted four sobriety checkpoints and identified 511 persons with aggravated unlicensed operation of a vehicle.

The \$63,000 budget amendment includes \$50,000 from this grant to support activities anticipated for the current fiscal year.

2013 STOP DWI Foundation Crackdown Grant October 2, 2012 - September 30, 2013

The STOP DWI Crackdown grant, in an amount not to exceed \$17,280 is administered by the New York State Stop DWI Foundation and the Monroe County STOP DWI Program and will be used for six STOP DWI crackdown details in the spring and summer of 2013. The funds will be used for overtime for police officers and, as necessary, for RPD experts to detect drug abuse in drivers. The 2012 grant (Ord. No. 2012-165), in the amount of \$11,379, funded three crackdown details.

The \$63,000 budget amendment includes \$13,000 from this grant to support activities anticipated for the current fiscal year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-31
(Int. No. 19)

Authorizing An Agreement For Funding For The STOP DWI Program And Amending The 2012-13 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2013 STOP DWI Program.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$50,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-32
(Int. No. 20)

Authorizing An Agreement For Funding For The STOP DWI Crackdown Program And Amending The 2012-13 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2013 STOP DWI Crackdown Program.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$13,000, 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. 2013-33
Re: Agreement - Stantec, Skate Park Design

Transmitted herewith for your approval is legislation establishing \$49,500 as maximum compensation for an agreement with Stantec Consulting Services to update and expand an existing concept plan for a skate park in the Center City. The cost of this agreement will be funded from 2012-13 Cash Capital (Department of Recreation and Youth Services).

Friends of Roc-City Skatepark, a not-for-profit organization, in collaboration with the City, has developed a concept plan for a downtown skate and BMX park. Stantec will analyze the feasibility of this plan, and develop a final concept design, detailed site analysis, and cost estimates. The resulting plan will facilitate the on-going fund-raising efforts of the Friends and assist the City in moving the project forward.

Stantec was selected to provide these services through a request for qualifications process which is described in the attached summary. Stantec is recommended based on their demonstrated experience designing large (greater than 25,000 square feet), complex urban skate parks, their knowledge of current trends in skate park design, and their project team qualifications and experience.

It is anticipated that this design work will be com-

pleted by May 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-17

Ordinance No. 2013-33
(Int. No. 21)

Establishing Maximum Compensation For A Professional Services Agreement For The Center City Skatepark

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

Section 1. The sum of \$49,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for design services for the Skatepark in the Center City. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2012-13 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-34
Re: Agreement - Children's Institute,
Database Services

Transmitted herewith for your approval is legislation establishing \$7,000 as maximum compensation for an agreement with Children's Institute Inc. to provide database services for the 2013 Summer of Opportunity program. The cost of this agreement will be funded from the 2012-13 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of February 18, 2013 to December 31, 2013.

Children's Institute will continue to maintain an existing database application (COMET) which will allow youth to apply for the Summer of Opportunity on-line. In addition to access to the database, Children's Institute will also provide some data analysis. In 2012, 2,960 youth applied online; it is expected that approximately 3,000 youth will apply online in 2013.

A request for proposals was not issued for these services; the justification for not doing so is attached. Children's Institute, as the developer of the COMET software, is the sole provider. Using the software will allow relevant non-sensitive information to be shared as necessary with the City upon parental permission being granted. This will be the fourth consecutive year contracting with Children's Institute for these services, most recently via Or-

dinance No. 2012-46.

Council authorization is required because, when combined with an existing agreement with Children's Institute, Inc. for similar services (Ord. No. 2012-272), this agreement exceeds the \$10,000 threshold for Council approval.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-18

Ordinance No. 2013-34
(Int. No. 22)

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 \$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 the Children's Institute, Inc. for database services for the 2013 Summer of Opportunity Program. Said amount shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-35 and
Ordinance No. 2013-36
Re: Inter-Municipal Agreements - Monroe
County, Jail Facilities and Firearms Instruction

Transmitted herewith for your approval is legislation authorizing the continuation of inter-municipal agreements with Monroe County for the use of the Monroe County Jail and for funding of the firearms instruction program.

Non-arraigned Detainees & Arrestees

This agreement is to secure confinement in the Monroe County Jail of individuals detained by the Rochester Police Department who have not yet been arraigned. The City will pay the County \$1,000,000 annually for services provided. The term of the agreement will be for January 1 to December 31, 2012, with an option for two one-year renewals. The cost of the agreement will be funded from the 2012-13 Budget of the Police Department, and subsequent annual budgets contingent upon their approval.

New York Correction Law § 500-a (2-e) authorizes the City to enter into an agreement with Monroe

County to provide services pertaining to the confinement of individuals arrested or detained and awaiting arraignment. Monroe County has provided these services to the City in the past, most recently pursuant to an agreement authorized in 2010 by the County and City Council (Ord. 2010-318). County Resolution 262 approving the terms of this continuation was authorized on November 13, 2012.

Firearms Instruction Program

The County provides reimbursement for a portion of the salary and benefits of firearms instructors to train officers in Monroe County police agencies. The instruction is provided by RPD officers assigned to provide shooting range training. No budget amendment is needed as the positions were included in the 2012-13 Budget of the Police Department. County Resolution 348 recently authorized the amount of \$83,512 to cover training for the term of July 1, 2012 through December 31, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-35
(Int. No. 23)

Authorizing An Agreement With The County Of Monroe With Respect To Unarraigned Prisoners

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 the detention of unarraigned prisoners in the Monroe County Jail. The agreement shall extend for a term of one year, commencing January 1, 2012, with two one-year renewal options.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000 annually, and said amounts, or so much thereof as may be necessary, shall be funded from the 2012-13, 2013-14 and 2014-15 Budgets of the Rochester Police Department, contingent upon approval of the latter 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.

Ordinance No. 2013-36
(Int. No. 24)

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

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for reimbursement for the 2012-13 Firearms Instruction Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:56 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
FEBRUARY 19, 2013

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

Absent - Councilmember Palumbo - 1.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Thomas J. Alpaugh
 - *Clifford P. Beikirch
 - Human Resource Management
 - *Michael P. Oliveri
 - Recreation & Youth Services
 - *Alison Alden
 - Fire Department
 - *Daniel R. Quinlan
 - Library
 - *Holly M. Southcott
- *Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of January 22, 2013 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)
4101-13, 4102-13

The Council submits Disclosure of Interest Forms from Councilmember Haag regarding Int. Nos. 46 and 54, and from Councilmember Scott regarding Int. No. 65.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spauld presented a petition regarding the point system with 1 signature. Petition No. 1682

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 1349, 1357-1359, 1365, 1375-1377, 1387, 1393-1399 And 1405 Culver Road And 1207-1219 Bay Street From R-1 Low Density Residential To R-1/O-O Low Density Residential With Overlay Office Int. No. 45 No speakers.

Authorizing An Amendatory 2012-13 Community Development Program Plan For The Focused Investment Strategy Program And Authorizing An Agreement Int. No. 46 No speakers

Approving Pavement Width Changes And Changing The Traffic Flow On Probert Street From Two-Way To One-Way Northbound Int. No. 52 No speakers.

Establishing Street Widths And Approving Geometric And Traffic Flow Changes For The Midtown Redevelopment Project Int. No. 61 No speakers

Local Improvement Ordinance - Areaway Abandonment At 27-33 And 45-51 Chestnut Street As A Part Of The Midtown Redevelopment Project Int. No. 65 One speaker: Eric Nagle.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 19, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 40 - Amending Ordinance No. 2012-284, Relating To The City GIS System

Int. No. 41 - Authorizing An Agreement For a Records Management Grant And Amending The 2012-13 Budget

Int. No. 56 - Resolution Approving Appointments To The Board Of Assessment Review

Respectfully submitted,
Carolee A. Conklin
Loretta C. Scott
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-37
Re: Amending Ordinance No. 2012-284 -
GIS Transformation

Transmitted herewith for your approval is legislation amending Ordinance No. 2012-284 to correct the source of funding for the agreement with Environmental Systems Research Institute (Esri). The legislation authorized \$340,000 as maximum compensation, to be funded from prior years' cash capital, to move the City from a decentralized system of GIS software, data and applications to a centralized City-wide solution. This amendment will revise the source of funding as follows:

Prior years' cash capital	\$315,000
2012-13 Budget of the Information Technology Department	\$25,000

Included in the agreement is the City's enrollment in Esri's Enterprise Advantage Program (EAP) which provides a suite of support services including access to Esri online and onsite training materials and programs. It has since been determined by the Finance Department that training expenses of this nature are not a capital expense and should instead be funded from operating funds.

All other aspects of the previous legislation remain unchanged.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-37
(Int. No. 40)

Amending Ordinance No. 2012-284, Relating To The City GIS System

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

Section 1. Ordinance No. 2012-284, relating to an agreement with Environmental Systems Research Institute for the development of a centralized City GIS system, is hereby amended by reducing the funding from the Cash Capital allocation from prior years from \$340,000 to \$315,000, and by funding \$25,000 from the 2012-13 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-38
Re: Agreement - New York State Archives
Grant Award

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Archives for the receipt and use of a \$74,432 grant, and amending the 2012-13 Budget of the Information Technology Department by \$74,500 to reflect the grant.

The funds will support the cost of converting paper-based documents to an existing electronic document system for the Code Enforcement/Community Outreach Bureau of Rochester Fire Department. This will facilitate effective management of vital information, and free up storage space.

It is anticipated that this project will be completed by June 30, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-38
(Int. No. 41)

Authorizing An Agreement For A Records Management Grant And Amending The 2012-13 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Archives for a grant to assist with the management of Rochester Fire Department records.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Information Technology Department by the sum of \$74,500, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-4
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:

Temporary Panel Members (1-year term)

- Michael Galitzdorfer
3 N. Goodman Street
Rochester, NY 14618
- Lindsay Macaluso
333 Meigs Street
Rochester, NY 14607
- Carlos Mercado
12 Vick Park A
Rochester, NY 14607
- Pamela Robinson
858 Arnett Blvd.
Rochester, NY 14619
- Susan Sanford
76 Bond Street
Rochester, NY 14620

Permanent Panel Members (5-year term)

- Justin R. Martin
232 Henrietta Street
Rochester, NY 14620

Resume's of the above appointees are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren Carolee A. Conklin
President Chair, Finance Committee

Attachment No. AM-19

Resolution No. 2013-4
(Int. No. 56)

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 Justin R. Martin, 232 Henrietta Street, Rochester, NY 14620, to the Board of Assessment Review for a term that will expire on September 30, 2017.

Section 2. The Council hereby approves the appointment of the following persons to serve as temporary members of the Board of Assessment Review for 2013:

- Michael Galitzdorfer
3 N. Goodman Street
Rochester, NY 14607
- Lindsay Macaluso
333 Meigs St.
Rochester, NY 14607
- Carlos Mercado
12 Vick Park A
Rochester, NY 14607
- Pamela Robinson
858 Arnett Blvd.
Rochester, NY 14619

Susan Sanford
76 Bond Street
Rochester, NY 14620

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

By Vice President Miller
February 19, 2013

To the Council:

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

Int. No. 42 - Authorizing The Sale Of Real Estate

Int. No. 43 - Granting Easements For The Highland Park/Canalway Trail Improvements Project

Int. No. 44 - Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Site Preparation And Stormwater Pollution Prevention

Int. No. 57 - Authorizing An Agreement For The Rochester/Monroe County Continuum Of Care And Amending Ordinance No. 2011-347, As Amended

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

Int. No. 45 - Changing The Zoning Classification Of 1349, 1357-1359, 1365, 1375-1377, 1387, 1393-1399 And 1405 Culver Road And 1207-1219 Bay Street From R-1 Low Density Residential To R-1/O-O Low Density Residential With Overlay Office

Int. No. 46 - Authorizing An Amendatory 2012-13 Community Development Program Plan For The Focused Investment Strategy Program And Authorizing An Agreement

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Lovely A. Warren (Voted on Int. Nos. 46, 57 and URA-1)
Dana K. Miller
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-39
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 15 properties. With the exception of purchasers of unbuildable vacant land, City records have been audited to ensure that pur-

chasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties were sold through a Request for Proposal (RFP) sale; both purchasers will be required to rehabilitate their structures within 12 months of City Council approval.

The next five properties are buildable 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 fifteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,613.

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. AM-20

Ordinance No. 2013-39
(Int. No. 42)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the request for proposal sale of the following parcels of improved property:

Address	S.B.L.#	Lot Size	Use	Price	Purchaser
238 Avenue A	106.21-3-36	40x128	1 Family	\$ 6,000	Oscar Jagdeo
821 N. Clinton Av	106.38-4-31.1	88x120	Mixed Use	\$54,000	821 North Clinton Properties, LLC*

*Principals: Barbara J. Ballantine, Owner; Jayson B. Bulmahn, Co-Owner

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

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
340 Hayward Av	106.68-3-48	52x130	6,693	\$475	Pamela Benjamin-Allen
177 Jefferson Ter	120.51-3-53	40x115	4,763	\$425	Rosa Mae Pinckney
85 Maria St	106.23-3-55.1	54x138	7,601	\$500	Housing Opportunities Housing Development Fund Corp**
14 Treyer St	106.22-4-32	34x96	3,354	\$237	José A. Pena-Gomez
16 Treyer St	106.22-4-33	34x96	3,354	\$238	José A. Pena-Gomez

** Board of Directors: Julie Everitt, President; Sister Beth LeValley, Vice President; Rome Celli, Treasurer; Joseph Bowes, Secretary

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

Address	S.B.L.#	Lot Size	Sq. Ft.	Purchaser
266 Cottage St	135.28-1-1.1	80x95	6,420	DHB3, LLC***
307 Emerson St	105.42-1-87.8	40x30	1,200	Rowena White
94 Epworth St	120.51-3-42	30x72	2,211	Eloise Dillard
101 Flower St	106.30-4-29.1	16x145	2,363	Richard Lochner
43 Niagara St	106.50-2-35.2	23x78	1,778	Ezatollah Toub
36-38 Trust St	106.27-2-72.1	73x84	6,045	Saturn Properties, LLC****
51 Trust St	106.35-1-7	34x92	3,228	Saturn Properties, LLC
56-58 Trust St	106.27-2-68	36x89	3,164	Saturn Properties, LLC

***Principal: Joseph D'Alessandro, Sole Owner & Proprietor

****Principal: Anthony Frumusa, Sole Owner & 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. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-40
Re: Granting of Easements - Highland Park/Canalway Trail

Transmitted herewith for your approval is legislation granting easements to the Town of Brighton for the Highland Park/Canalway Trail on property owned by the City of Rochester. The property, at 1225 Elmwood Avenue, is improved with a pump station operated by Monroe County Pure Waters as part of the sanitary sewer system. The trail plans have been reviewed with Monroe County Pure Waters and they concur with the granting of the easements.

As depicted on the accompanying map, the conveyances consist of one permanent and one temporary easement. The permanent easement is for an area of 325.5 square feet, which will be incorporated into the pedestrian/bike trail. The temporary easement is for an area of 125.6 square feet that will be used for construction access and grading. The easements will be granted for no monetary consideration.

Ordinance No. 2008-300 authorized a Municipal Cooperation Agreement with the Town of Brighton to administer the Highland Park/Canalway Trail Improvements Project. Subsequent amendments to that legislation were to authorize payment for design services, not to exceed \$6,600 (Ord. No. 2009-203), and authorization of payment for design and construction services not to exceed \$158,980 (Ord. No. 2010-126).

Granting of these easements is consistent with the City's goals for implementation of the trail project.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-21

Ordinance No. 2013-40
(Int. No. 43)

Granting Easements For The Highland Park/Canalway Trail Improvements Project

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

Section 1. The Council hereby approves the granting of a permanent easement over approximately 325.5 square feet on the City parcel at 1225 Elmwood Avenue to the Town of Brighton for the pedestrian/bike trail, and a temporary easement over approximately 125.6 square feet that will be used for construction access and grading, as part of the Highland Park/Canalway Trail Improvements Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-41
Re: Amending the Municipal Code -
Chapter 39, Phase II Storm Water
Regulations

Transmitted herewith for your approval is legislation amending Article IV (Site Preparation) of Chapter 39 of the Code of the City of Rochester to eliminate duplicative language; provide additional clarity; revise the fee structure; and revise triggers for a site preparation permit. Article IV addresses requirements regarding storm water management during site preparation for construction projects.

Construction and post-construction storm water management requirements are mandated by New York State. Since there have been no changes at the State level, the substance of the code remains the same. The amendment simply consolidates and reorganizes material for clarity and to eliminate duplication.

Granting of a Site Preparation Permit previously required that a Storm Water Pollution Prevention Plan (SWPPP) be completed. However, the Monroe County Storm Water Coalition, of which the City is a member, recently adopted new regulations to be consistent with those of the New York State Department of Environmental Conservation. These regulations now eliminate the need for SWPPPs for projects less than one acre in area.

Currently, a fee of \$750 is charged for all Site

Preparation Permits. The fee structure will be revised to add a lesser fee of \$250 for Site Preparation Permits for projects that do not require an SWPPP (i.e., are smaller than one acre). The fee for a Site Preparation Permit with an SWPPP will remain at \$750.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-41
(Int. No. 44)

Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Site Preparation And Stormwater Pollution Prevention

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

Section 1. Chapter 39 of the Municipal Code, Building Code, as amended, is hereby further amended by Amending Article IV, Site Preparation and Stormwater Pollution Prevention, to read in its entirety as follows:

Article IV. Site Preparation and Stormwater Pollution Prevention.

Part I. Site Preparation

§ 39-400. Purpose

- A. Land disturbance activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- B. During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitat and to provide a healthy living environment for citizens of the City of Rochester. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow. Regulation of land disturbance activities by means of performance standards governing stormwater man-

agement and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

- C. As a result, the purpose of this Part is to safeguard public health, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the City of Rochester. It seeks to meet those purposes by achieving the following objectives:
- (1) Require land disturbance activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) general permit for construction activities or as amended or revised;
 - (2) Meet the requirements of minimum measures 4 and 5 of the SPDES general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit No. GP-02-02 or as amended or revised;
 - (3) Minimize increases in stormwater runoff from land disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
 - (4) Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;
 - (5) Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
 - (6) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 39-401. Title.

These regulations shall be known and may be cited as the "Regulations for the Issuance of Site Preparation Permits in the City of Rochester."

§ 39-402. Jurisdiction.

All site preparation and associated activities requiring a site preparation permit shall be in conformance with the provisions set forth herein.

§ 39-403. Authority.

The Commissioner of Neighborhood and Business Development or his or her legal representative shall be the authority having jurisdiction for the purpose of administering these regulations. The City Engineer shall be the legal representative of the Commissioner for the purposes of site work within the right of way.

§ 39-404. Definitions.

As used in this article, in addition to the terms defined in § 39-201, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITY - The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a land disturbance activity.

CERTIFICATE OF COMPLETION - A signed statement by the Commissioner that specific construction has been inspected and found to comply with all grading plans and specifications.

CITY ENGINEER - The City Engineer of the City or an authorized representative.

CLEARING - Any activity which removes the vegetative surface cover.

COMMISSIONER - The Commissioner of Neighborhood and Business Development or his or her legal representative.

DRAINAGE - The gravitational movement of water or other liquids by surface runoff or subsurface flow.

DESIGNATED AGENT - Individual(s) directed by the City of Rochester to conduct site inspections and/or perform other municipal duties.

EARTHWORK - Construction activities, including clearing, grading, excavating, soil disturbance or placement of fill, that result in land disturbance.

EROSION - The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

EROSION CONTROL - Measures that minimize erosion.

EXCAVATION OR CUT - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated, and al-

so included shall be the conditions resulting there from.

FILLING - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.

FINAL STABILIZATION - All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with density of 80% has been established or equivalent measures such as the use of mulches or geotextiles have been employed on all unpaved areas and areas not covered by permanent structures.

GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit issued to developers of construction activities to regulate disturbance of one or more acres of land.

GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS - A permit issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

GRADING - Any stripping, excavating, filling, stockpiling or any combination thereof, and also included shall be the land in its excavated or filled condition.

INSPECTOR OF RECORD - A person who is hired by the owner to monitor the Site Preparation and SWPPP requirements on a regular basis and prepare reports.

LAND DISTURBANCE ACTIVITY - Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

LICENSED PROFESSIONAL - A person currently licensed to practice engineering in New York State or a registered landscape architect.

MULCHING - The application of a layer of plant residue or other material for the purpose of effectively controlling erosion.

NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL - The most recent version of this publication which is commonly known as the "Blue Book."

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL - The New York State Stormwater Management De-

sign Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

NOTICE OF INTENT (NOI) - Letter sent to the New York State DEC from an owner or their representative informing the DEC of their intent to undertake a project requiring a SPEDES permit.

NOTICE OF TERMINATION (NOT) - Letter sent to the New York State DEC from an owner or their representative informing the DEC that the construction phase of the project has been completed.

PHASING - Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

PERMANENT SOIL EROSION CONTROL MEASURE - Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

PERMIT - Site Preparation Permit.

QUALIFIED PROFESSIONAL - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a licensed professional engineer or a registered landscape architect.

RATIONAL METHOD - A method of estimating the runoff in a drainage basin at a specific point and time by means of the rational runoff formula.

RESPONSIBLE INDIVIDUAL - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been removed from its site of origin by erosion.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SILVICULTURAL ACTIVITY - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SITE - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE PLAN APPROVAL - The examination and subsequent authorization to proceed with a project based upon a drawing prepared to spe-

cifications and containing necessary elements, which show the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SITE PREPARATION - Site preparation shall include but is not limited to filling, stripping of vegetation, grading or altering existing topography for any purposes whatsoever.

SOIL - All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.

SPDES - State Pollution Discharge Elimination System.

SPEDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS - A permit issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION - The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - The first land disturbance activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STORMWATER MANAGEMENT - The use of structural or nonstructural practices that are designed to reduce stormwater runoff, pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT OFFICER - The Commissioner or his/her authorized representative shall be the Stormwater Management Officer for all work outside the right-of-way, and the City Engineer shall be the Stormwater Management Officer for all work within the right-of-way. A consultant cannot be appointed as a Stormwater Management Officer. The Stormwater Management Officer shall accept and review stormwater pollution prevention plans and inspect stormwater management practices.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - The flow on the surface of the ground, resulting from precipita-

tion.

STRIPPING - Any activity which removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

SURFACE WATERS OF THE STATE OF NEW YORK - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TEMPORARY SOIL EROSION CONTROL MEASURES - Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is effected.

TOPSOIL - The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six inches within an undisturbed area of soils.

WATERCOURSE - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainage way, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and any area adjacent thereto subject to inundation by reason of overflow, flood or stormwater.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLANDS - Areas of aquatic or semiaquatic vegetation, or any areas which have been mapped as such by the New York State Department of Environmental Conservation under the New York State Freshwater Wetlands Act or the United States Department of the Interior, Fish and Wildlife Service for the National Wetlands Inventory.

§ 39-405. Permit requirement.

- A. None of the following activities shall be commenced until a permit has been issued pursuant to the provisions of this part:

- (1) Site preparation within wetlands.
 - (2) Site preparation on slopes which exceed 1 1/2 feet of vertical rise for each 10 feet of horizontal distance, as determined by a topographical survey.
 - (3) Site preparation within the floodplain of any watercourse.
 - (4) Excavation which affects more than 50 cubic yards of material within any parcel or any contiguous area not associated with building construction.
 - (5) Stripping which affects more than 10,000 square feet of ground surface within any parcel or any contiguous area.
 - (6) Grading which affects more than 10,000 square feet of ground surface within any parcel or any contiguous area.
 - (7) Filling which exceeds a total of 50 cubic yards of material within any parcel or contiguous area.
- B. Exemptions. The following activities are exempt from review under this Part:
- (1) Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.
 - (2) Agricultural activity as defined in this Part.
 - (3) Silvicultural activity, except that landing areas and log haul roads are subject to this Part.
 - (4) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
 - (5) Repairs to any stormwater treatment practice deemed necessary by the City of Rochester.

§ 39-406. Permit application, review, issuance and compliance procedures.

- A. Prior to the start of construction requiring a permit under § 39-405, an application shall be filed with the Commissioner, and the application shall have been approved and a permit issued pursuant to the provisions of these regulations.
- B. At the time of filing an application for a permit, a fee of \$250 if no SWPPP is required or \$750 if a SWPPP is required, shall be made payable to the City Treasurer.
- C. The Storm Water Management Officer shall have the authority to recommend that a permit

application be approved or denied. The Storm Water Management Officer shall also have the authority to recommend the approval of a permit subject to conditions.

- D. The Commissioner shall make a recommendation to grant or deny all permits within 60 days after the date of filing of a complete application unless the applicant and the Manager consent to a time extension.
- E. The Commissioner shall recommend a reasonable time limit for the termination of the permit and may recommend any conditions which are deemed necessary to assure compliance with the provisions of these regulations. In no event shall the overall total time schedule for completion of the project exceed 12 months.
- F. The Commissioner shall cause inspections to be performed as required to assure compliance with the terms and conditions of the approved permits and to submit written notification to the Commissioner of any violations of these terms or provisions.
- G. If at any time during the effective period of a permit the terms of the permit are violated, the Commissioner may revoke the permit in accordance with the procedures set forth in § 39-210H of the City Code.

§ 39-407. Permit application materials.

- A. The application for a permit regulated by these procedures shall be made to the Commissioner in such form as the Commissioner shall prescribe.
- B. The application shall be made by the owner or by an authorized agent, including but not limited to an architect, engineer, occupant of the property or contractor employed in connection with the proposed work.
- C. The application shall contain:
 - (1) A site map of the total site area and construction drawings prepared by a civil engineer, landscape architect or land surveyor licensed and registered to practice in the State of New York. The site plan shall be prepared at a scale no smaller than one inch to 20 feet and shall indicate: existing and proposed contours at horizontal intervals not to exceed 1foot; all improvements; areas of disturbance; areas that will not be disturbed; on site surface water(s), including receiving waters (name of the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, all areas of vegetation, including areas of grass, brush, tree clusters and wood areas, and caliper size of mature trees and shall also indicate the areas where topsoil is removed and stockpiled

- and where topsoil is ultimately placed, significant natural and man-made features not otherwise shown; proposed concrete cleanout basin(s) and construction entrance; location(s) of the stormwater discharges(s); resources protected under other chapters of this code or by easements; rights-of-way.
- (2) A description of the material used in filling operations, the total volume of material proposed to be deposited on site and a listing of the points of origin of the proposed fill material which include:
 - (a) The name, address, and telephone numbers of the owner of the source material.
 - (b) The street address, town, village, City, county and tax account number of location of point of origin for source material.
 - (c) A notarized affidavit signed by the owner of the source material which states that the material has been tested and found free of any hazardous waste and complies with the requirements set forth in § 39-408A(7). A copy of the test results, performed by an authorized testing agency, shall be included as part of the affidavit.
 - (3) A time schedule which indicates:
 - (a) The anticipated start of construction and completion dates.
 - (b) The anticipated duration (in days) of the exposure of all major areas of site preparation before the installation of erosion and sedimentation control measures.
 - (4) A performance bond or letter of credit in increments of \$10,000 for each 5,000 cubic yards or fractions thereof of material scheduled for placement on site. The bond shall not be released until it has been determined by the Commissioner that the work has been completed in conformance with these regulations.
 - (5) Any applicant requesting a site preparation permit for activity which would disturb equal to or greater than one acre (43,560 square feet) of land and requiring a Notice of Intent (NOI) shall also include with the submission a stormwater pollution prevention plan (SWPPP) that shall be reviewed and approved by the Stormwater Management Officer prior to issuance of the site preparation permit. A SWPPP which also addresses 1 - 6 of part C of this section may be accepted as fulfilling the permit application materials requirements. The SWPPP shall be subject to the following additional requirements:
 - (a) The Stormwater Management Officer shall accept and review all SWPPPs. The Stormwater Management Officer may review the plans or accept the certification of a licensed professional that the plans conform to the requirements of this Part.
 - (b) The plan must be prepared in accordance with sound engineering practices by a qualified professional as defined in § 39-404. The final plan must be signed by a New York State licensed professional engineer (PE), who will certify that the design of all stormwater pollution prevention and erosion and sediment control practices meet the requirements outlined in the City of Rochester design criteria and the New York Standards and Specifications for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Rochester.
 - (c) The requirements to have an SWPPP prepared by a qualified professional and to have the final plan signed and certified by a New York State licensed professional engineer (PE) are not applicable to land disturbance activities that meet New York State technical standards and are five acres or less occurring on a single-family residence, which is not part of a larger common plan of development, or an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired water body or must not be located in a total maximum daily load (TMDL) watershed.
 - (d) Background information about the scope of the project, including location, type and size of project and contact information that includes the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the subject property or properties.
 - (e) Site map/construction drawing(s) for the project, including a general location map and a one-inch-equals-fifty-foot topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s), including receiving waters (name of

the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, forest cover, and significant natural and man-made features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete cleanout basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this code or by easements.

- (f) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas. Consistent with the New York State Standards and Specifications for Erosion and Sediment Control, not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.
- (g) A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on site, with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
- (h) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
- (i) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
- (j) Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- (k) Identification of all temporary practices that will be converted to permanent control measures.
- (l) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
- (m) Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.
- (n) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- (o) Any existing data that describes the stormwater runoff at the site.
- (p) Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the City of Rochester.
- (q) Assurance that the applicant or their "responsible individual" shall be on site at all times when earthwork takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- (r) Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the

SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the water quality standards."

The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The certification statement must be included in the SWPPP.

D. Modifications to the plan after approval.

- (1) Major amendments of the SWPPP shall be submitted to the City of Rochester and shall be approved or disapproved. The applicant shall amend the SWPPP whenever:
 - (a) There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
 - (b) The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this Part. Amendments to the SWPPP may be reviewed by the City of Rochester. A copy of the newly amended SWPPP must be provided to the City of Rochester within five business days.
- (2) Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The City of Rochester may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.
- (3) Field modifications of a minor nature may be authorized by the City of Rochester by written authorization to the applicant.

§ 39-408. Standards for application approval.

A. In granting a permit under these regulations,

the standards and considerations taken into account shall include but are not limited to the following:

- (1) Excavation, filling, grading and stripping shall be permitted to be undertaken only in such locations and in such manner as to minimize the potential for erosion and sedimentation and the threat to the health, safety, and welfare of neighboring property owners and the general public.
- (2) Site preparation and construction shall be fitted to the vegetation, topography and other natural features of the site and shall preserve as many of these features as feasible.
- (3) The control of erosion and sedimentation, including dust control, shall be a continuous process undertaken as necessary prior to, during and after site preparation and construction.
- (4) Mulching or temporary vegetation suitable to the site shall be used where necessary to protect areas exposed by site preparation, and permanent vegetation which is well adapted to the site shall be installed as soon as practical.
- (5) Where slopes are to be revegetated in areas exposed by site preparation, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sedimentation may result.
- (6) Site preparation and construction shall not adversely affect the free flow of water or bring about flood conditions by encroaching on, blocking or restricting watercourses or drainage patterns.
- (7) All fill materials shall be of a composition suitable for the ultimate use of the fill, free of hazardous materials, contaminants, rubbish and organic or frozen material. It shall be free of any materials which may corrode, collapse, dissolve or cause voids or present the potential for causing voids. Structural steel, steel reinforcing, conduit, piping or similar materials are not permitted to comprise the fill material. Demolition or construction debris of any type is prohibited.
- (8) Fill material shall be compacted sufficiently to prevent problems of erosion. Where the material is to support structures or roadways, it shall be compacted to within 95% of modified proctor density with proper moisture control. Compaction tests shall be submitted to the Commissioner by an independent soils testing laboratory which verify the compaction results.
- (9) All topsoil which is excavated from a site

shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion. All fill shall be covered to a minimum depth of 30 inches with clean earth free of boulders or rocks exceeding 12 inches in diameter and shall also be covered with topsoil to a minimum depth of six inches. The final proposed grade elevations shall be taken from the finished top soil elevation.

- (10) Prior to, during and after site preparation, an integrated drainage system shall be provided which at all times minimizes erosion, sedimentation, hazards of slope instability and adverse effects on neighboring property owners.
 - (11) The natural drainage system shall generally be preserved in preference to modifications of this system excepting where such modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners.
 - (12) All drainage systems shall be designed to adequately handle estimated flows both within the site and from the entire upstream drainage basin, with the flow estimations to be calculated utilizing the rational method for specified storm event.
 - (13) Sufficient grades and drainage facilities shall be provided to prevent the ponding of water.
 - (14) Drainage systems, plantings and other erosion or sediment control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to ensure that the free flow of water is not obstructed by the accumulation of silt, debris or other materials or by structural damage, so as to avoid the creation of flood conditions.
 - (15) Cuts and fills shall not endanger adjoining property nor divert water onto the property of others.
 - (16) In the event that the removal of any trees, shrubs, vegetation and/or other organic material is necessary to conduct operations covered by this permit, all such material shall be removed off site to an approved location prior to the commencement of fill or grading activities.
- B. Minimum design standards for erosion and sediment control.
- (1) The City of Rochester requires the use of technical standards for erosion and sediment controls. These are detailed in the New York State Department of Environmental Conservation's Standards and

Specifications for Erosion and Sediment Control. For the design of water quality and water quantity controls (post-construction stormwater runoff control practices), the NYSDEC's technical standards are detailed in the New York State Stormwater Management Design Manual.

- (2) Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards, and the SWPPP shall be prepared by a licensed/certified professional.

§ 39-409. Financial guarantees.

The City of Rochester may, at its discretion, require the applicant to submit a financial guarantee in a form acceptable to the City of Rochester prior to issuance of site plan approval or a permit in order to insure that the stormwater pollution prevention and erosion and sediment control practices are implemented and maintained by the applicant as required by the approved SWPPP. The amount of the financial guarantee shall be the total estimated construction cost of the stormwater pollution prevention and erosion and sediment control practices approved, plus a contingency. The financial guarantee shall contain forfeiture provisions for failure to complete work specified in the SWPPP. The financial guarantee shall be released in full only upon satisfaction of the requirements listed in § 39-414 B. At its discretion, the City of Rochester may allow for a partial release of the financial guarantee based on the completion of various development stages.

§ 39-410. Denial of permit.

A. A permit shall not be issued where:

- (1) A nuisance will be established as defined by § 59-23 of the Municipal Code;
- (2) The proposed work would cause hazards to the public safety, comfort, health, repose or welfare;
- (3) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property;
- (4) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, erosion, slope instability or any other such hazard to persons or property; or
- (5) The land areas for which the grading is proposed may lie within the flood plain of

any stream or watercourse unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his or her opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

§ 39-411. Responsibility of owner.

A. During grading and filling operations the owner shall be responsible for:

- (1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment that are not part of the public right-of-way.
- (2) The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
- (3) Carrying out the proposed work in accordance with the approved plan and in compliance with all the requirements of the permit and Chapter 39, Building Code.
- (4) The prompt removal of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares during transit to and from the construction site, where such spillage constitutes a public nuisance or hazard.
- (5) The administration of the approved SWPPP where one is required.

§ 39-412. Inspections.

A. City of Rochester inspections.

- (1) The City of Rochester or designated agent as defined in § 39-404 shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant that the work fails to comply with the permit and/or SWPPP. In addition, the City of Rochester may enter the work site at any reasonable time for purposes of inspection. The SWPPP and the records of any inspections completed by the owner or his or her agent shall be maintained at the site in the site logbook from the date of initiation of construction activities to the date of final stabilization. To obtain inspections, the applicant shall notify the Inspector of Record at least 48 hours before the following activities occur:

- (a) Start of construction.
- (b) Erosion and sediment control measures have been installed and stabilized.
- (c) Site clearing has been completed.
- (d) Rough grading has been completed.
- (e) Final grading has been completed.
- (f) Close of the construction season.
- (g) Final landscaping.
- (h) Closeout inspection.

- (2) The above inspection timetable does not relieve the owner of the obligation under this or any other permit or regulation to conduct regular inspections as set forth in said permit and/or regulation.
- (3) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further earthwork shall be conducted on the site, except for site stabilization, until the violations are corrected and approved by the City of Rochester.

B. Property owner/developer inspections.

- (1) The applicant shall employ a "responsible individual," as defined in § 39-404, who will oversee the implementation of the SWPPP on a daily basis. The responsible individual shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the City of Rochester within five days after the month's end.
- (2) The requirement to employ a qualified professional to inspect and document the effectiveness of all erosion and sediment control practices is not applicable to land disturbance activities five acres or less occurring on a single-family residence, which is not part of a larger common plan of development or on an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired water body or

must not be located in a total maximum daily load (TMDL) watershed.

§ 39-413. Project closeout.

A. A certificate of substantial compliance shall be issued by the Director when all of the following have been submitted to the Director or verified as specified elsewhere in these regulations, including:

- (1) Written verification from a New York State licensed professional land surveyor, civil engineer or landscape architect that the final grading and contours conform with the requirements of the approved site plan.
- (2) Required tests verifying soil compaction have been prepared by an independent soils testing lab and copies of the results have been submitted.
- (3) Submission of the results of core samples taken from the site, which verifies that the material deposited on site complies with § 39-408A(7). Core sampling shall be performed by an approved independent testing laboratory and shall be taken at intervals not to exceed one sample for each 5,000 square feet of site area affected by any filling, grading or stripping operation covered by these regulations. The exact locations of the samples shall be determined by the Director.

B. Duration, maintenance and closeout when a SWPPP is required.

- (1) Duration.
 - (a) For a project that requires an NYS-DEC SPDES permit, the SWPPP approved by the City of Rochester shall be in effect until the site has been finally stabilized, a notice of termination (NOT) is submitted to the NYS-DEC in accordance with the general permit and a final inspection has been completed by the City of Rochester.
 - (b) For projects that do not require an NYSDEC NOT, the SWPPP is in effect until a final inspection is conducted and the City of Rochester has issued the applicant written approval.
- (2) Maintenance.
 - (a) The applicant shall at all times properly operate and maintain all storm-water management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this Part. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by

50%. The land disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

- (b) At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting, and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the New York State Standards and Specifications for Erosion and Sediment Control.
- (3) Closeout. The applicant must satisfy the following project closeout requirements:
 - (a) Reestablish grade of all permanent stormwater facilities.
 - (b) Inspect grading of all drainage structures and provide elevation as-builts to the City of Rochester.
 - (c) Establish perennial vegetative cover to a density of 80% over 100% percent of the site.
 - (d) Removal of all debris and temporary erosion and sediment control practices.
 - (e) Provide a written certification by a New York State licensed/certified professional that the site has undergone final stabilization (as defined in § 39-421) and that all temporary erosion and sediment controls not needed for long-term erosion control have been removed.
 - (f) Complete any other measure deemed appropriate and necessary by the City of Rochester to stabilize the project site.

§ 39-414. Violations.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Part. Violations of this Part I of Article IV of Chapter 39 shall be considered high violations for purposes of the penalties set forth in § 13A-11D of the Municipal Code.

Part II. Design and Management of Post-Construction Stormwater Pollution Prevention Measures

§ 39-440. Introduction; purpose.

- A. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- B. The purpose of this Part is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the watersheds within the City of Rochester. Therefore, the City of Rochester establishes this set of water quality and quantity policies to provide reasonable guidance for the regulation of stormwater runoff and to, in addition to the above, safeguard persons, protect property, prevent damage to the environment in the City of Rochester, and comply with the NYSDEC state pollutant discharge elimination system (SPDES) general permit for stormwater discharges from municipal separate storm sewer systems (MS4s), for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

§ 39-441. Definitions.

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

AGRICULTURAL ACTIVITY - The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a stormwater management permit.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

DEDICATION - The deliberate appropriation

of property by its owner for general public use.

DESIGNATED AGENT - Individual(s) directed by the City of Rochester to conduct site inspections and/or perform other municipal duties.

EROSION CONTROL - Measures that minimize erosion.

FEE IN LIEU - A payment of money in place of meeting all or part of the stormwater performance standards required by this Part.

HOTSPOT - An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

IMPERVIOUS COVER - Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INFILTRATION - The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND DISTURBANCE ACTIVITY - Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre (43,560 square feet), or activities disturbing less than one acre (43,560 square feet) of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

LANDOWNER - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LETTER OF CREDIT - A document issued by a bank, which guarantees the payment of a customer's drafts for a specified period and up to a specified amount.

LICENSED PROFESSIONAL - A person currently licensed to practice engineering in New York State or a New York State registered landscape architect.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

NEW YORK STANDARDS AND SPECIFI-

CATIONS FOR EROSION AND SEDIMENT CONTROL - The most recent version of this publication which is commonly known as the "Blue Book."

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL - The most recent version of the New York State Stormwater Management Design Manual, including applicable updates that serve as the official guide for stormwater management principles, methods and practices.

OFF-SITE FACILITY - A stormwater management measure located outside the subject property boundary.

PERFORMANCE BOND - A bond underwritten by a surety in the contract amount to guarantee that the contractor will perform the required work according to the contract specifications.

QUALIFIED PROFESSIONAL - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a New York State licensed professional engineer or registered landscape architect.

RECHARGE - The replenishment of underground water reserves.

REDEVELOPMENT - Reconstruction or modification to any existing previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. "Redevelopment" is distinguished from "development" or "new development" in that new development refers to construction on land where there had not been previous construction. Redevelopment specifically applies to construction areas with impervious surface.

RESPONSIBLE INDIVIDUAL - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

SILVICULTURAL ACTIVITY - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS STATE POLLUTANT DISCHARGE

ELIMINATION SYSTEM (SPDES) - A nationally approved program with permits issued in accordance with the Environmental Conservation Law that authorizes stormwater discharges from certain construction activities to waters of the United States.

STOP-WORK ORDER - An order issued which requires that all construction activity on a site be stopped.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - Flow on the surface of the ground, resulting from precipitation.

STORMWATER TREATMENT PRACTICES - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

WATER QUALITY STANDARD VIOLATION - An increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

§ 39-442. Applicability.

A. This Part shall be applicable to land disturbance activities as defined in § 39-441, and those activities meeting Condition (1), (2), (3) or (4) below shall include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in § 39-447 as applicable unless eligible for an exemption or granted a waiver by the City of Rochester in accordance with § 39-445:

- (1) Stormwater runoff from land disturbance activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
- (2) Stormwater runoff from land disturbance activities disturbing five or more acres.
- (3) Stormwater runoff from land disturbance

activity disturbing between one acre and five acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

- (4) Stormwater runoff from land disturbance activity that is smaller than one acre disturbance if such activities are part of a larger common plan of development, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.
- B. All plans, documents and information required by this Part must be reviewed by the Storm Water Management Officer to ensure that established water quality standards will be maintained during and after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans.
 - C. When a site development plan is submitted that qualifies as a redevelopment project as defined in § 39-441, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current New York State Stormwater Management Design Manual. Final authorization of all redevelopment projects will be determined after a review by the City of Rochester. This applies to all redevelopment projects that are greater than or equal to one acre (43,560 square feet).
 - D. The following activities may be exempt from the requirements of this Part:
 - (1) Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
 - (2) Agricultural activity as defined in this Part.
 - (3) Silvicultural activity, except that landing areas and log haul roads are subject to this article.
 - (4) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
 - (5) Repairs to any stormwater treatment practice deemed necessary by the City of Rochester.

§ 39-443. Compatibility with other permits and requirements.

- A. This Part is not intended to interfere with, abrogate, or annul any other article, rule or regulation, statute, or other provision of law. The requirements of this Part should be considered minimum requirements, and where any

provision of this Part imposes restrictions different from those imposed by any other article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health and/or the environment shall be considered to take precedence.

- B. Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or articles.

§ 39-444. Compliance.

- A. No person shall receive any of the building, grading or other land disturbance approvals or permits required for land disturbance activities without first meeting the requirements of this Part to the satisfaction of the City of Rochester.
- B. Unless specifically excluded by this Part, any landowner or operator desiring approval or a permit for a land disturbance activity shall comply with all applicable provisions of this Part and shall submit all required plans, documentation and information as required under this Part to the City of Rochester for review and approval.
- C. Unless otherwise excepted by this Part, the following items shall be submitted prior to the issuance of a permit or site plan approval:
 - (1) Stormwater pollution prevention plan (SWPPP) (see § 39-448).
 - (2) Maintenance easement(s) (see § 39-449).
 - (3) Maintenance agreement(s) (see § 39-449).
 - (4) Any applicable fees.
 - (5) The SWPPP shall be prepared to meet the requirements of §§ 39-447 through 39-449. The maintenance agreement shall be prepared to meet the requirements of § 39-449.
 - (6) All documents required by this Part must be reviewed by the Storm Water Management Officer to ensure that established water quality standards will be maintained after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans. Information shall be submitted as a single, logical package, with all information bound together.

§ 39-445. Waivers and mitigation requirements.

- A. All persons shall comply with the requirements of this Part, unless a written request is filed to waive the requirements in part or whole for land disturbance activities that disturb less than one acre of land. Requests to waive any requirements of this Part shall be submitted to the

City of Rochester for approval.

B. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- (1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Part.
- (2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater pollution prevention plan that has been approved by the City of Rochester, and the implementation of the plan is required. These practices are encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of nonstructural practices that reduce the generation of stormwater from the site. These nonstructural practices are explained in detail in the manual *Better Site Design: A Handbook for Changing Development Rules in Your Community*. Applicants wishing to obtain credit for use of nonstructural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.
- (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
- (4) The City of Rochester finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
- (5) Nonstructural practices will be used on the site that reduce:
 - (a) The generation of stormwater from the site;
 - (b) The size and cost of stormwater storage; and
 - (c) The pollutants generated at the site.

C. In instances where one of the conditions above applies, the City of Rochester may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the ap-

plicant must demonstrate to the satisfaction of the City of Rochester that the variance will not result in the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Degradation of biological functions or habitat;
- (3) Accelerated stream bank or streambed erosion or siltation;
- (4) Increased threat of flood damage to public health, life, property.

D. Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Rochester. Mitigation measures may include, but are not limited to, the following:

- (1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation (Dedication or easement of land, see § 39-446B). These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat.
- (2) The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this Part.
- (3) Monetary contributions (Fee in lieu of, see § 39-446A) to a dedicated fund for stormwater management activities.

E. No waivers or mitigation plans will be considered for land disturbance activity that disturbs one acre or greater of land.

§ 39-446. Fee in lieu of and dedication or easement of land.

A. Where the City of Rochester waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the City of Rochester. All monetary contributions shall be made to a dedicated fund for stormwater management activities. The fee structure shall be based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be made by the applicant prior to the is-

suance of any permit or approval for the development.

- B. In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City of Rochester for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City of Rochester prior to the recording of plats or, if no record plat is required, prior to the issuance of the permit.

§ 39-447. General design and performance criteria for stormwater management.

- A. The applicant shall consult the New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control for standards and specifications related to stormwater management design criteria. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law. If there is a conflict between any of the standards, the more stringent standard shall apply. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this section and § 39-448, and the SWPPP shall be prepared by a licensed professional.
- B. The following design and performance criteria shall be addressed for stormwater management at all sites:

- (1) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.
- (2) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of Rochester. In no case shall the impact on functional values be any greater than that allowed by the Army Corps of Engineers (COE) or the NYSDEC responsible for natural resources.

- (3) An attempt shall be made to maintain annual groundwater recharge rates, by promoting infiltration through the use of structural and nonstructural methods. At a minimum, an attempt shall be made for annual recharge from the post-development site to mimic the annual recharge from pre-development site conditions.
- (4) In order to protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the New York State Stormwater Management Design Manual.
- (5) Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (6) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots," may require the use of specific structural stormwater treatment practices and pollution prevention practices.
- (7) Prior to design, applicants are required to consult with the City of Rochester to determine if they are subject to additional stormwater design requirements.
- (8) The calculations for determining peak flows (WQv), as found in the New York State Stormwater Management Design Manual, shall be used for sizing all stormwater management practices.

§ 39-448. Stormwater pollution prevention plan requirements.

- A. An SWPPP is required as part of the compliance with this Part. This plan must be prepared by a qualified professional and must indicate whether stormwater will be managed on site or off site and, if on site, the general location and type of practices and shall also include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The plan must be signed by a New York State licensed professional engineer (PE), who will verify that the design of all stormwater management practices meets the submittal requirements outlined in the New York State Stormwater Management Design Manual. No building or grading permit or site plan approval shall be issued until a satisfactory stormwater pollution prevention plan, or a waiver thereof, has undergone a review and been approved by the City of Rochester after determining that the plan or waiver is consistent with the requirements of

this Part.

- B. The applicant shall employ a responsible individual, as defined in § 39-441, who will oversee the implementation of the SWPPP on a daily basis. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to City of Rochester within five days after the month's end.
- C. All SWPPPs shall provide the following information:
- (1) All information listed in § 39-407; Stormwater pollution prevention plan requirements.
 - (2) Description of each post-construction stormwater management practice.
 - (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
 - (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms, including calculations such as a description of the design storm frequency, intensity and duration; time of concentration; soil curve numbers or runoff coefficients; peak runoff rates and total runoff volumes for each watershed area; infiltration rates, where applicable; culvert capacities; flow velocities; data on the increase in rate and volume of runoff for the design storms referenced in the New York State Stormwater Management Design Manual; and documentation of sources for all computation methods and field test results.
 - (5) Comparison of post-development stormwater runoff conditions with pre-development conditions.
 - (6) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
 - (7) The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures,

including a schedule to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

- (8) The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See § 39-449 for additional information.
- (9) The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management measure(s) in accordance with the specifications of this Part. See § 39-449 for additional information.
- (10) The SWPPP shall be prepared by a qualified professional, and the final plan must be signed by a New York State licensed professional engineer, who shall certify that the design of all stormwater management practices meets the requirements in this Part.
- (11) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- (12) The City of Rochester may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- (13) The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil

and water conservation district and in compliance with landscaping specifications outlined in the New York State Stormwater Management Design Manual.

- (14) The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

§ 39-449. Maintenance of stormwater management facilities.

A. Maintenance easement. The applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Rochester, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Part and to, if necessary, implement emergency repairs to protect the health, safety and welfare of the public. The easement dimensions shall be as directed by the City of Rochester, and the easement agreement shall be recorded in the office of the County Clerk, with a copy provided to the City of Rochester.

B. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this Part shall ensure they are operated and maintained to achieve the goals of this Part. Proper operation and maintenance also includes, as a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this Part.
- (2) Written procedures for operation and maintenance and training new maintenance personnel.
- (3) Discharges from the stormwater management practices shall not exceed design criteria or cause or contribute to a water quality standard violation.

C. Maintenance agreements.

- (1) The maintenance and proper operation of all privately owned stormwater management facilities, including nonstructural practices, shall be ensured through the creation of a formal and enforceable maintenance agreement that must be approved by the City of Rochester and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. This agreement will include any and all maintenance ease-

ments required to access and inspect the stormwater management practices and will outline the procedures and schedule to be followed to perform routine maintenance as necessary to ensure proper functioning of the stormwater management practice. In addition, the legally binding agreement shall identify the parties responsible for the proper maintenance of all stormwater treatment practices and include plans for periodic inspections by the owners, or their designated agent, to ensure proper performance of the facility. The maintenance agreement shall be consistent with the terms and conditions of the "Stormwater Control Facility Maintenance Agreement."

- (2) The City of Rochester, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided that such facility meets all the requirements of this Part and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

D. Requirements of maintenance agreements. All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs to ensure compliance with the requirements of this Part and accomplishment of its purposes. These needs may include removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be identified in writing, along with the schedule and methods to be employed to complete the maintenance. The maintenance repairs and restoration schedule are to be approved by the City of Rochester prior to commencing the work, and the City of Rochester shall inspect the facility upon completion of the work. The inspection and maintenance requirement may be increased by the City of Rochester as deemed necessary to ensure proper functioning of the stormwater management facility.

E. Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the City of Rochester during inspection of the facility and at other reasonable times upon request.

F. Maintenance guarantees for privately owned stormwater facilities. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the applicant or by a corporation that owns or manages a commercial or industrial facility, the applicant, prior to construction, may be re-

quired to provide the City of Rochester with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the City of Rochester acknowledges compliance with all details of approved site plan. If the applicant or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Rochester may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs, until the City of Rochester acknowledges compliance with all details of approved site plan.

§ 39-450. Inspection and right of entry.

- A. The City of Rochester or designated agent shall make inspections at any reasonable time for purposes of inspecting the construction of the stormwater management facilities. Inspections may include but are not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. The applicant must notify the City of Rochester in advance before the commencement of construction. If any violations are found, the property owner shall be notified of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City of Rochester.
- B. Furthermore, when any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, or combined sewer, the property owner shall grant to the City of Rochester the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Part is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Part.

§ 39-451. As-built plans and project closeout.

All applicants are required to submit actual as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a New York State licensed professional engineer. A final inspection by the City of Rochester is required before the release of any performance securities can occur.

§ 39-452. Landscape alterations.

All applicants are responsible for maintaining the grading of the site so that it is consistent with the certified as-built plans. Any post-construction alterations to the landscape shall receive prior approval from the City of Rochester. Temporary landscape alterations, such as those associated with utility excavations and landscaping activities, must be restored to conditions that are consistent with the certified as-built plans.

§ 39-453. Violations.

No person shall commence or conduct any development activity that is contrary to this Part or fail to maintain stormwater pollution prevention measures required by this Part. Violations of this Part II of Article IV of Chapter 39 shall be considered high violations for purposes of the penalties set forth in § 13A-11D of the Municipal Code.

§ 39-454. Performance bond/security.

The City of Rochester may, at its discretion, require the submittal of a performance security or bond prior to approval in order to insure that the stormwater practices are installed as required by the approved stormwater pollution prevention plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved by the City of Rochester, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater pollution prevention plan. The installation performance security shall be released in full only upon submission of as-built plans and written certification by a New York State licensed professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this Part. The City of Rochester will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this Part. Provisions for a partial pro rata release of the performance security based on the completion of various development stages can be done at the discretion of the City of Rochester.

Part III. General Provisions

§ 39-460. Applicability.

Except where specific provisions relating to site preparation are established in this article, the Administrative Regulations of Article II of this chapter shall apply to site preparation and permits, performance of work and enforcement.

Section 2. This ordinance shall take effect on March 1, 2013.

Passed unanimously.

Vice President Miller moved to amend Int. No. 57.

The motion was seconded by Councilmember Conklin

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-42
Re: Agreement - United Way Service Corporation, Rochester/Monroe County Continuum of Care

Transmitted herewith for your approval is legislation establishing \$32,000 as maximum compensation for the City share of an agreement with the United Way Services Corporation (UWSC) for administration of the Rochester/Monroe County Continuum of Care, and appropriating \$28,418 from the 2011-12 Emergency Shelter Solutions (ESG) allocation of the Housing Choice Fund to partially fund the cost of the agreement. The balance of the cost, \$3,582, will be financed from the 2012-13 Budget of the Department of Neighborhood and Business Development.

The Continuum of Care (CoC) is a consortium of funders, providers, and formerly homeless representatives that collaboratively plans for the uses of Federal funds serving individuals and families who are homeless or are at risk of becoming homeless.

Total funding for UWSC to administer the CoC totals \$105,000. Funding is also being provided by Monroe County, PathStone/Sojourner House, and the Rochester Housing Authority. To ensure coordination, all funding partners will enter into a mutual Memorandum of Understanding.

The UWSC will provide staff for the planning and development of the Homeless Strategy to be included in the Consolidated Community Development Plan/ Annual Action Plan for both the City and County. They will also facilitate the evaluation of proposals for the Housing Choice Fund's Emergency Solutions Grant (ESG) homeless service activities and the implementation of a coordinated access system as required by the Federal HEARTH Act of 2009 (Homeless Emergency Assistance and Transition to Rapid Re-housing).

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-42
(Int. No. 57, As Amended)

Authorizing An Agreement For The Rochester/Monroe County Continuum Of Care And Amending Ordinance No. 2011-347

BE IT 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 Way Services Corporation for administrative services for the Rochester/Monroe County Continuum of Care for a term of two years.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$32,000 and of said amount, or so much thereof as may be necessary, \$28,418 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Program Account) of the 2011-12 Emergency Solutions Grant and \$3,582 shall be funded from the 2012-13 Budget of the Department of Neighborhood and Business Development.

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

Section 4. Ordinance No. 2011-347, relating to the Home Buyer Training Program, is hereby amended by reducing the amount authorized for agreements with the Marketview Heights Association and The Urban League of Rochester, NY, Inc. by \$7,500 each (from \$32,500 to \$25,000), and by increasing the amount authorized for the agreement with NeighborWorks by \$15,000 (from \$32,500 to \$47,500). These changes shall involve the funding from the 2011-12 City Development Fund approved for this Program.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-43
Re: Zoning Map Amendment - Rezoning Properties on Culver Road and Bay Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning eight properties on Culver Road and Bay Street from R-1 Low Density Residential to R-1 Low Density Residential with Overly Office (R-1/O-O). The affected properties include: 1349, 1357-1359, 1365, 1375-1377, 1387, 1393-1399, 1405 Culver Road and 1207-1219 Bay Street.

The owner of 1375-1377 Culver Road initiated this zoning request in order to legalize her first floor property management business. When the applicant purchased the property in 2002, she was told that a doctor's office had been located on the first floor, so her office use would be allowed. However, property records indicate that after the doctor's office was vacated, the first floor was returned to a

housing unit; in a residential district, once a space is converted to a residential use, it cannot be re-converted to a non-residential use.

Therefore, the applicant is requesting to rezone this property along with the other properties listed above to add Overlay Office to the current R-1 Zoning. The other properties included in this request are multi-family, mixed-use, or commercial buildings. The applicant believes that these properties would also benefit from the Office Overlay by allowing office uses in these buildings which are clearly not single-family dwellings. Both the Culver/Merchants Business Association and the Beechwood Neighborhood Coalition support the rezoning.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, January 14, 2013. Two people spoke in support of the rezoning; no one spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended approval.

The rezoning would take effect immediately upon Council approval.

A public hearing on the rezoning is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-22

Ordinance No. 2013-43
(Int. No. 45)

Changing The Zoning Classification Of 1349, 1357-1359, 1365, 1375-1377, 1387, 1393-1399 And 1405 Culver Road And 1207-1219 Bay Street From R-1 Low Density Residential To R-1/O-O Low Density Residential With Overlay Office

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 1349, 1357-1359, 1365, 1375-1377, 1387, 1393-1399 and 1405 Culver Road and 1207-1219 Bay Street, from R-1 Low Density Residential to R-1/O-O Low Density Residential with Overlay Office:

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 41, being Lots 24, 25, 26, 27, 75, 76, 77 of the Culver Road Tract, as filed in the Monroe County Clerk's Office in Liber 31 of Maps, Page 23, as well as Lot 'B' of the Resubdivision of Lot No. 74, as filed in the Monroe County Clerk's Office in Liber 41, Page 6, and being more particularly bounded and described as follows: Beginning at the centerline intersection of Bay Street (64' ROW) and Culver

Road (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said centerline of Culver Road, a distance of 606 feet, more or less, to the centerline intersection of Ferris Street (60' ROW) and Culver Road (66' ROW); thence
- 2) Westerly, along said centerline of Ferris Street, a distance of 120 feet, more or less, to the southerly projection of the west line of said Lots 77 & 76; thence
- 3) Northerly, along the west line of said Lots 77 & 76 and their projection, a distance of 140 feet to a point being the northwest corner of Lot 76; thence
- 4) Easterly, along the north line of Lot 76, a distance of 40 feet to the southwest corner of said Lot 75; thence
- 5) Northerly, along the west line of said Lot 75, a distance of 55 feet, to the northwest corner thereof; thence
- 6) Easterly, along the north line of said Lot 75, a distance of 53 feet, to the southwest corner of said Lot 'B'; thence
- 7) Northerly, along the west line of said Lot 'B' and its projection, a distance of 80 feet, more or less, to a point on the centerline of Richland Street (ROW 50'); thence
- 8) Easterly, along the centerline of Richland Street (ROW 50'), a distance of 27 feet, more or less, to a point on the southerly projection of the west line of said Lots 27 & 26; thence
- 9) Northerly, along said west line of Lots 27 & 26 and their projection, a distance of 135 feet, more or less, to the northwest corner of Lot 26; thence
- 10) Easterly, along the north line of said Lot 26, a distance of 40 feet, to the southwest corner of said Lot 25; thence
- 11) Northerly, along the west line said Lots 26 & 25 and their projection, a distance of 142 feet, more or less, to a point on the centerline of said Bay Street (ROW 64'); thence
- 12) Easterly, along said centerline, a distance of 198 feet, more or less, to the said centerline of Culver Road, 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. 2013-44
Re: Establishing a Community-Building
Pilot Project

Transmitted here for your approval is legislation authorizing a pilot program for community-building in the Beechwood Focused Investment Strategy (FIS) area. This legislation will:

1. Amend the 2012-13 Consolidated Community Development Plan to add planning as an eligible activity for the FIS allocation of the Neighborhood and Asset Based Planning Fund of the Community Development Block Grant.
2. Establish \$50,000 as maximum compensation for an agreement with NEAD, Inc. to implement a community-building initiative. The cost of the agreement will be financed from the FIS allocation of the Neighborhood and Asset Based Planning Fund of the 2012-13 Community Development Block Grant.

When the FIS initiative was conceived, it was acknowledged that building a sense of community among the affected residents would be critical to the success of any revitalization efforts. A request for proposals issued in 2010 sought an agency to undertake the community-building activities, and has culminated in a recommendation to contract with NEAD to develop and implement a pilot program in the Beechwood FIS area that could be replicated in other areas. The process is described in the attached RFP summary.

In order to maximize the FIS work, it is essential that it commit to finding the best way to engage residents to participate in and sustain involvement in strengthening their community. The City, in conjunction with NEAD, has developed an approach that can now be piloted and evaluated. The "Culturally-Centered Strategic Engagement Process for Community Learning & Development" is a process cycle that includes the following steps:

- Residents gathering in their neighborhood (as defined by those who live there)
- Identifying the neighborhood's shared values and vision
- Setting neighborhood goals
- Reviewing data and conducting research; drawing on local experts to identify the most effective means to reach the goals
- Identifying customized success indicators
- Making the commitment to action and accomplishment, which are then publicized and celebrated.

NEAD will be responsible for the latter three steps and will also provide resident training and manual; an independent evaluation; and interim and final reports. A project description is attached.

A public hearing to amend the 2012-13 Consolidated Community Development Plan is required.

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AM-23

Ordinance No. 2013-44
(Int. No. 46)

Authorizing An Amendatory 2012-13 Community Development Program Plan For The Focused Investment Strategy Program And Authorizing An Agreement

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

Section 1. The Council hereby approves an amendment to the 2012-13 Community Development Program Plan to add planning as an eligible activity for the Focused Investment Strategy Program Account of the Neighborhood and Asset Based Planning allocation of the 2012-13 Community Development Block Grant.

Section 2. The Mayor is hereby authorized to enter into an agreement with North East Area Development, Inc. for community engagement in the planning process for the Focused Investment Strategy Program in the Beechwood area.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2012-13 Community Development Block Grant.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Scott
February 19, 2013

To the Council:

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

Int. No. 47 - Establishing Maximum Compensation For A Professional Services Agreement For An Inner Loop And Pedestrian Accessibility Project

Int. No. 48 - Authorizing Agreements For The Port Of Rochester Security/Intelligent Transporta-

tion System

Int. No. 50 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$964,000 Bonds Of Said City To Finance The Cost Of The 2013 Parking Garage Repair And Reconstruction Program In The City

Int. No. 51 - Approving Department Of Environmental Conservation Grant Application And Agreement

Int. No. 58 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 59 - Amending Chapter 20 Of The Municipal Code, Refuse Code, With Respect To Special Residential Collections

Int. No. 60 - Authorizing An Agreement For The Supply Of Electricity To City Facilities

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

Int. No. 52 - Approving Pavement Width Changes And Changing The Traffic Flow On Probert Street From Two-Way To One-Way Northbound

The following entitled legislation is being held in Committee:

Int. No. 49 - Resolution Approving Appointment To The Downtown Enhancement District Advisory Committee

Int. No. 61 - Establishing Street Widths And Approving Geometric And Traffic Flow Changes For The Midtown Redevelopment Project

Int. No. 62 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$5,882,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of The Midtown Redevelopment Project In The City

Int. No. 63 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance of \$900,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Various Water Mains In The City Related To The Midtown Redevelopment Project

Int. No. 64 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Midtown Redevelopment Project And Appropriating Funds

Int. No. 65 - Local Improvement Ordinance - Areaway Abandonment At 27-33 And 45-51 Chestnut Street As A Part Of The Midtown Redevelopment Project

Respectfully submitted,
Loretta C. Scott
Matt Haag

Elaine M. Spaul
Lovely A. Warren
Dana K. Miller

JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-45
Re: Agreement - Bergmann Associates,
Inner Loop And Arterial Pedestrian
Accessibility

Transmitted herewith for your approval is legislation establishing \$160,000 as maximum compensation for an agreement with Bergmann Associates for resident project representation (RPD) services for the Inner Loop/Sidewalk ADA Accessible Ramps and Other Arterial Sidewalks Project. The cost of the agreement will be funded as follows:

Federal reimbursements (Ord.	
No. 2012-266)	\$62,400
2011-12 Cash Capital	\$38,000
Prior years' Cash Capital	\$59,600

The project will expand pedestrian accessibility for the majority of the Inner Loop area and includes 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. Also, new sidewalks will be constructed on one side of Emerson Street (Mt. Read Boulevard to Lee Road), Lexington Avenue (Mt. Read Boulevard to Colfax Street), and Driving Park Avenue (Ramona Street to Lagrange Avenue) to provide a safer pedestrian right-of-way.

The City reviewed the statements of qualifications from the fifteen firms on the New York State Department of Transportation list of pre-approved regional engineering firms. Bergmann Associates was selected to provide RPR services for this project based on their familiarity with the project, capabilities and availability of their staff.

Construction is anticipated to begin in the spring of 2013, with completion by mid-summer of 2013. The project will result in the creation/retention of the equivalent of 1.7 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-24

Ordinance No. 2013-45
(Int. No. 47)

Establishing Maximum Compensation For A Professional Services Agreement For An Inner Loop And Pedestrian Accessibility Project

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

Section 1. The sum of \$160,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for resident project representation services for the Inner Loop/Sidewalk ADA Accessible Ramps and Other Arterial Sidewalks Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$62,400 shall be funded from the appropriation of Federal Highway Administration funds in Ordinance No. 2012-266, \$38,000 shall be funded from the 2011-12 Cash Capital allocation and \$59,600 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. 2013-46
Re: Amendatory Agreement - IBI Group,
Construction Phase and RPR Services,
Port of Rochester Security/Intelligent
Transportation Systems

Transmitted herewith for your approval is legislation related to the Port of Rochester Security/Intelligent Transportation Systems (Port ITS) Project. This legislation will:

1. Authorize an amendatory agreement with IBI Group (Boston MA) for construction phase and resident project representation (RPR) services for the project. The original agreement (Ord. No. 2010-85) established \$246,200 as maximum compensation for design and system integration services. This amendment will increase maximum compensation by \$125,000 for a total of \$371,200. The additional cost will be funded from anticipated Federal Highway Administration funds previously appropriated via Ordinance No. 2004-292.
2. Authorize the Mayor to enter into agreements with agencies as necessary to successfully complete the project.

The Port ITS Project involves the deployment of traveler information and traffic monitoring infrastructure in the vicinity of the Port of Rochester. This system includes traffic cameras, dynamic message signs (fixed and portable), and transit traveler information signs, as well as associated electrical and communications infrastructure. The goal of this project is to improve traffic mobility in the Port area through the use of operational strategies that leverage existing regional partnerships and the ITS infrastructure. The project has been advanced in coordination with the New York State Department of Transportation, Monroe County, and the Rochester Genesee Regional Transportation Authority.

Ordinance No. 2010-85 authorized an agreement with IBI Group for design and computer system integration services for the Port of Rochester Security/Intelligent Transportation System Project. This amendatory agreement will allow IBI Group and/or their subcontractors to proceed with completion of detailed design plans and RPR services during the construction phase. Project construction costs are currently estimated at \$650,000.

Construction will begin in spring, 2013 and is expected to be complete by summer, 2013. This amendatory agreement will result in the creation/retention of the equivalent of 1.3 full time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-25

Ordinance No. 2013-46
(Int. No. 48)

Authorizing Agreements For The Port Of Rochester Security/Intelligent Transportation System

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

Section 1. The sum of \$125,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and IBI Group for design and computer system integration services for the Port of Rochester Security/Intelligent Transportation System 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 of Federal Highway Administration funds in Ordinance No. 2004-292.

Section 2. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation, Monroe County, the Rochester-Genesee Regional Transportation Authority and other agencies to implement this Project.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-47
Re: 2013 Annual Parking Garage Repair and Reconstruction Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling

\$964,000 and the appropriation of the proceeds thereof to finance the 2013 Annual Parking Garage Repair and Reconstruction Program.

Ordinance No. 2009-378 authorized an agreement with T.Y. Lin International (known then as FRA Engineering and Architecture P.C.) for planning and design services for the garage program through 2014. A second agreement (Ord. No. 2010-116) provided resident project representation services for the annual garage program. Under these agreements, T.Y. Lin performs comprehensive garage inspections, condition ratings, prioritization, structural design, and RPR services. They also develop both the annual and five-year long term capital program for eight City-owned garages.

Work for 2013 on seven City-owned garages will include post-tensioned tendon repairs, deck waterproofing and sealing, repair to structural components, expansion joint repair, structural façade repairs and waterproofing, mechanical, electrical and plumbing system repairs, masonry repairs, and roof repairs. Garages include: Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities, and Court Street.

The project is scheduled to be bid in March 2013. Construction is scheduled to begin in May 2013 with completion in December 2013. Total cost, including contingency, is estimated at \$1,124,000 and will be funded as follows:

	Bonds Requested <u>Herein</u>	2012-13 Cash Capital <u>(Parking)</u>
Construction		
\$1,011,600	\$964,000	\$ 47,600
Contingency		
<u>112,400</u>	<u>0</u>	<u>112,400</u>
Total		
\$1,124,000	\$964,000	\$160,000

The project results in the creation/retention of the equivalent of 13 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-47
(Int. No. 50)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$964,000 Bonds Of Said City To Finance The Cost Of The 2013 Parking Garage Repair And Reconstruction Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction or construction of improvements to the Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities and Court Street Parking Garages in the City, being

Class "A" buildings, as a part of the 2013 Parking Garage Repair and Reconstruction Program, including but not limited to post-tensioned tendon repairs, deck waterproofing and sealing, repair to structural components, expansion joint repair, structural façade repairs and waterproofing, mechanical, electrical and plumbing system repairs, masonry repair, and roof repairs (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,124,000. The plan of financing includes the issuance of \$964,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$160,000 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 \$964,000 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 \$964,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-5
Re: Resolution - New York State Urban and Community Forestry Grant

Transmitted herewith for your approval is a resolution authorizing the Mayor to enter into an agreement with the New York State Department of Environmental Conservation (NYSDEC) for an application for and receipt of a \$50,000 grant to support tree pruning maintenance.

These funds will be used to support street and park tree pruning throughout the City. NYSDEC requires a 50% match by the City as part of the agreement. The match will be provided by the City through a combination of in-kind services.

These funds will support pruning maintenance for approximately 600 trees during the grant period. It is anticipated that this project will be completed during the winter of 2013.

The agreement between the City and the NYSDEC was originally authorized via Ordinance No. 2012-253 in June 2012. The NYSDEC has subsequently required an authorizing resolution in order to proceed with the grant funding.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2013-5
(Int. No. 51)

Approving Department Of Environmental Conservation Grant Application And Agreement

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

Section 1. Thomas S. Richards, Mayor of the City of Rochester, or his successor, is hereby authorized and directed to file an application for 50% matching funds in an amount not to exceed \$50,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Rochester.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-48
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 West Ridge Road; and
2. Plymouth Avenue, from Commercial Street to Troup Street.

The total length of these two streets is 2.7 miles. The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council in October 2011 (Ordinance No. 2011-394). This legislation will extend the agreement to June 30, 2015, as required by the NYSDOT.

The requirement for an agreement for snow remov-

al services on Plymouth Avenue will be eliminated in the future, when jurisdiction of the street is formally transferred from the State to the City.

The State will reimburse the City \$59,170.28 for snow and ice removal performed during the 2012-13 winter season, which is \$2,250.42 more than the prior year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-48
(Int. No. 58)

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, 2015. 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. 2013-49
Re: Amending the City Code - Chapter 20
Refuse Collection

Transmitted herewith for your approval is legislation amending Chapter 20 of the City Code to include on-demand refuse collection service for residential properties. This amendment will authorize the Commissioner of Environmental Services to negotiate a fee for the cost of collection of special residential refuse. The amendment affects only Article II, Section 24, Subsection C of the Chapter.

On-demand refuse collection currently exists for commercial properties; i.e., an owner can request that the City collect special refuse, for a fee, outside of the regular collection schedule. The amendment will extend this service to residential properties, which will allow for scheduled pick-ups when people are moving out of their homes, as well as for extra collections when needed.

The negotiated fee service will provide an alternative to ticketing property owners for Code viola-

tions for placing refuse on the curb on a day other than the regular collection day, thereby minimizing punitive fines. The provision of this new service is consistent with the City's customer focus.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-49
(Int. No. 59)

Amending Chapter 20 Of The Municipal Code, Refuse Code, With Respect To Special Residential Collections

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

Section 1. Section 20-24 of the Municipal Code, Residential and commercial refuse user fees, as amended, is hereby further amended by amending subsection C thereof by adding the word "residential," before the word "commercial" where it is contained therein.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-50
Re: Agreement - Constellation NewEnergy,
Inc., Provision of Electricity to the City

Transmitted herewith for your approval is legislation authorizing an 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, and the Rochester Riverside Convention Center.

Constellation NewEnergy was selected through a request for proposal process which is described in the attached summary.

It is anticipated that the new agreement will result in significant savings. However, given that electricity is a commodity, actual rates will not be available until authorization for the agreement is obtained. For the past two years, the City has selected a fixed price, which has provided a stable basis for budgeting future energy costs.

Constellation NewEnergy is recommended based on the following factors:

- Price package
- Their history of satisfactorily providing electricity for the City since 2005
- Their experience with large municipal customers, including the cities of Baltimore and Boston

- The visible role of the company in the community as evidenced by their recent purchase of the Ginna Power Plant
- Their green energy purchasing portfolio
- Their commitment to the continued development of green initiatives
- Their tracking and real-time energy monitoring capabilities

The agreement will provide for 25% of the City's load volume at all locations to be filled by green energy throughout the term of the agreement. Green energy sources may include: solar, hydro, biomass, and wind energy.

The agreement will be for three years beginning on April 1, 2013, and expiring on March 31, 2016, with the provision of an option for a three-year renewal.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-26

Ordinance No. 2013-50
(Int. No. 60)

Authorizing An 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 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 a term not to exceed three years, with one three-year renewal.

Section 2. The Mayor is authorized to exercise a fixed or variable rate pricing option under the agreement. Funding shall be provided from the 2012-13 and subsequent City budgets, 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. 2013-51
Re: Authorizing Traffic Direction and Geometric Changes - Probert Street

Transmitted herewith for your approval is legislation authorizing a change in the direction of motorized vehicle traffic flow on Probert Street between East Avenue and University Avenue, from two-way traffic to one-way northbound; and authorizing geometric changes to Probert Street. These proposed changes are consistent with the Wegmans Food Markets, Inc. plan for their East Avenue market.

Upon completion of the new Wegmans market, there will no longer be driveways onto Probert Street from Wegmans, and the traffic signal at East Avenue and Probert Street will be relocated east to the new Wegmans driveway. These changes will reduce travel demand on Probert Street.

Changing Probert Street to northbound one-way was recommended by the Monroe County Department of Transportation to improve traffic flow on East Avenue. This change will also increase on-street parking by up to five spaces and facilitate the incorporation of bicycle lanes in both directions which will provide an important link in the city's growing bicycle network.

Pavement width changes on Probert Street consist of a decrease from an existing width of 30 feet to the proposed width of 24 feet (a narrowing of 6 feet) from East Avenue to approximately 40 feet north of East Avenue. The intent of the pavement width changes is to make the pedestrian crossing of Probert Street at East Avenue safer as well as to protect the on-street parking.

Construction will begin in spring 2013 and will be complete in summer 2013. The changes to motorized vehicle traffic flow and pavement width were endorsed by the City's Traffic Control Board at its January 15, 2013 meeting.

A public hearing on the Probert Street changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-27

Ordinance No. 2013-51
(Int. No. 52)

Approving Pavement Width Changes And Changing The Traffic Flow On Probert Street From Two-Way To One-Way Northbound

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

Section 1. The Council hereby approves a change in the direction of the traffic flow on Probert Street, from East Avenue to University Avenue, from two-way to one-way northbound.

Section 2. The Council hereby approves a decrease of six feet in the pavement width of Probert Street, from 30 feet to 24 feet, from East Avenue to approximately 40 feet north of East Avenue.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Scott moved to discharge Int. No. 49 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2013-6

Re: Appointment - Downtown Enhancement District Advisory Committee

Transmitted herewith for your approval is legislation confirming the appointment of Scott W. Gonyeo to the Downtown Enhancement District Advisory Committee. He replaces Scott Grippo who was most recently re-appointed in January 2012, and will fulfill the remainder of his term which expires on December 31, 2013.

Mr. Gonyeo was recently hired by Winn Companies as Property Manager for the Sibley Building. His resume is available in the City Clerk's Office for review.

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

Attached is a full description and list of current members.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-28

Resolution No. 2013-6
(Int. No. 49)

Resolution Approving Appointment To The Downtown Enhancement District Advisory Committee

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

Section 1. The Council hereby approves the appointment of Scott W. Gonyeo, Winn Companies, to the Downtown Enhancement District Advisory Committee for a term which shall expire on December 31, 2013. Mr. Gonyeo shall replace Robert Scott Grippo.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-52,
Ordinance No. 2013-53,
Ordinance No. 2013-54,
Ordinance No. 2013-55 and
Local Improvement Ordinance No. 1661

Re: Midtown Redevelopment Project - Phase 3: Street and Utility Improvements

Transmitted herewith for your approval is legislation related to the Midtown Redevelopment Project. This legislation will:

1. Authorize the establishment of a street network to support the Midtown Redevelopment Project, as detailed on the attached map (Attachment A) and in Attachment B, as follows:
 - a. Establish widths for new streets, as described in Attachment B (1a-1e).
 - b. Authorize geometric changes for some existing streets, as described in Attachment B (2a-2i).
 - c. Authorize a change in the direction of traffic flow on several existing streets, as described in Attachment B (3a-3c).
2. Authorize the issuance of bonds totaling \$5,882,000 and the appropriation of the proceeds thereof to finance a portion of project costs.
3. Authorize the issuance of water bonds totaling \$900,000 and the appropriation of the proceeds thereof to finance a portion of project costs.
4. Appropriate \$2,057,850 in anticipated Federal reimbursements from the US Economic Development Administration's Public Works Program to support the Midtown Redevelopment Project.
5. Appropriate \$17,880 from the Local Improvement Fund to finance the cost of abandonment or retention of underground areas and authorize the subsequent assessment of this amount against the affected properties.
6. Authorize an amendatory agreement with LaBella Associates for additional resident project representation (RPR) services required for Phase 3 of the project. Ordinance No. 2012-155 established maximum compensation of \$950,000 for Phase 1 RPR services, and was subsequently amended (Ord. No. 2012-469) to increase compensation by \$1,150,000 for Phase 2 RPR services. This amendment will increase compensation by

\$1,400,000 for Phase 3 RPR services for a total maximum of \$3,500,000. The additional cost will be funded from general and water debt, the Local Improvement Fund, and Cash Capital as summarized in the table below.

The street network actions will result in establishing the street widths, locations for recessed parking, and directions of traffic flow for existing and future streets associated with the Midtown project. Future Council action will be required to amend the Official Map to dedicate certain Rights-of-Way and to name or rename the streets. The street network actions were endorsed by the Traffic Control Board at their February 5, 2013 meeting.

The amendatory agreement with LaBella Associates will provide RPR and construction phase design services for the Phase 3 improvements, the streets and utilities portion of the Midtown Redevelopment Project. The original agreement for Phase I RPR services included costs for the field office, web cam, and material testing for all four phases of the project, with amendatory agreements planned for subsequent phases to ensure continuity of services for the project.

The Midtown Redevelopment Project Phase 3 Street and Utility Improvements include:

- Construction of new or extension of existing City streets, including Cortland, Elm, Euclid and Atlas Streets, and a yet to be named road.
- Rehabilitation/reconstruction of existing Euclid, Atlas, and Elm Streets.
- Replacement of curb and sidewalk on the Midtown side of East Main, South Clinton, and Broad Streets.
- Conversion of Broad Street from one-way to two-way traffic between South Clinton Avenue and Chestnut Street including the reconfiguration of entrance and exit ramps to the Midtown Underground Parking Garage.
- Improvements (new, replacement, and repairs) to public utilities including street lighting, sanitary sewer, storm water, water main, and Holly systems (includes repairs below the third sublevel within the Midtown Underground Parking Garage).
- Traffic signal modifications at the intersections of South Clinton Avenue/Broad Street and Chestnut Street/Broad Street, and new traffic signals at Elm Street/Chestnut Street and Cortland Street/East Main Street.
- Landscape/streetscape enhancements to include: concrete and exposed aggregate concrete on portions of the streets; brick pavers within portions of the sidewalks; construction of an open-space area; construction of flush and raised tree pits; and various plantings and furnishings.

The local improvement ordinance will pre-finance part of the cost of abandonment of underground areaways at two properties. The owners will repay the City at an interest rate of 1% above the City's long-term borrowing rate at the time of the award. The areaways and the terms are as follows:

<u>Property Address</u>	<u>Owner</u>	<u>SBL Number</u>	<u>LIO Amount</u>	<u>Term</u>
27-33 Chestnut Street	ABC, Inc.	121.24-1-11	\$8,880	3 years
45-51 Chestnut Street	Ramji, Inc.	121.24-1-14	\$9,000	2 years

One bid for Phase 3 construction was received on February 5, 2013. The apparent low bid was submitted by Sealand Contractors Corp. in an amount of \$7,971,203.08, which is 4% less than the engineer's estimate. An additional \$355,649.55 will be allocated for project contingencies. The costs for the categories of work for the project based upon the bid amount are summarized below.

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Federal EDA	\$2,057,850.00	\$ -0-	\$ -0-	\$2,057,850.00
Prior debt (Ord. No. 2012-468)	620,598.57	-0-	-0-	620,598.57
General debt	4,400,648.50	1,236,250.00	245,101.50	5,882,000.00
Water debt	680,040.95	119,434.00	100,525.05	900,000.00
Local Improvement Fund	14,900.00	1,490.00	1,490.00	17,880.00
City cash capital	197,165.06	42,826.00	8,533.00	248,524.06
Total	\$7,971,203.08	\$1,400,000.00	\$355,649.55	\$9,726,852.63

Phase 3 will result in the creation or retention of the equivalent of 86.6 full-time jobs and will begin in March 2013 with scheduled completion in November 2014.

Public hearings on the pavement width, traffic flow directional changes and local improvement ordinances are required.

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AM-29

Councilmember Scott moved to discharge Int. No. 61 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Ordinance No. 2013-52
(Int. No. 61)

Establishing Street Widths And Approving Geometric And Traffic Flow Changes For The Midtown Redevelopment Project

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

Section 1. The Council hereby establishes street widths, approves geometric changes and traffic flow direction changes for the Midtown Redevelopment Project as follows:

1. Establish a pavement width of 38 feet for a future Right-of-Way (currently identified as Cortland Street) between East Main Street to the north and another future Right-of-Way to the south (currently identified as Elm Street) except that within 30 feet of East Main Street, and within 30 feet of Elm Street, the pavement width shall be established at 26 feet to improve pedestrian safety and define recessed parking areas.
2. Establish a pavement width of 38 feet for a future Right-of-Way (currently identified as Elm Street) between South Clinton Avenue to the west and Atlas Street to the east except that within 30 feet of South Clinton Avenue, and within 30 feet of Elm Street, the pavement width shall be established at 26 feet to improve pedestrian safety and define recessed parking areas and within 30 feet both east and west of future Cortland Street, and within 30 feet east and west of a future unnamed road, the pavement width shall be established at 32 feet to improve pedestrian safety and define recessed parking areas.
3. Widen Elm Street by 8 feet, from 30 feet to 38 feet, beginning at Atlas Street and ending at Chestnut Street except that within 30 feet of Atlas Street and 30 feet of Chestnut Street the width shall be established at 26 feet to improve pedestrian safety and define recessed parking areas.
4. Widen East Main Street by 9 feet, from 44 feet to 53 feet, beginning 30 feet east of South Clinton Avenue and ending 30 feet west of a future Right-of-Way (currently identified as Cortland Street) to create recessed on-street parking on the south side of

East Main Street.

5. Widen East Main Street by 9 feet, from 44 feet to 53 feet, beginning 30 feet east of a future Right-of-Way (currently identified as Cortland Street) and ending 30 feet west of an existing Right-of-Way to be renamed (currently named Euclid Street) to create recessed on-street parking on the south side of East Main Street.
6. Narrow Euclid Street by 3 feet, from 23 feet to 20 feet, beginning at Atlas Street and ending at Chestnut Street except that within 30 feet of Atlas Street the pavement shall be decreased by 9 feet, from 23 feet to 14 feet to improve pedestrian safety and define recessed parking areas.
7. Widen Euclid Street by 2 feet, from 23 feet to 25 feet, beginning at Atlas Street and ending at an existing Right-of-Way to be renamed (currently named Euclid Street) except that within beginning 30 feet west of Atlas Street and extending westerly for 95 feet, Euclid Street shall be widened by 8 feet, from 23 feet to 31 feet, to improve pedestrian safety and define recessed parking areas on the south side of Euclid Street.
8. Change the direction of traffic flow on Euclid Street, between Atlas Street and an existing Right-of-Way to be renamed (currently named Euclid Street), from one-way westbound to two-way.
9. Establish a pavement width of 16 feet for a new right-turn lane which connects a future Right-of-Way (currently identified as Unnamed Road) and Euclid Street.
10. Narrow an existing Right-of-Way to be renamed (currently named Euclid Street) by 2 feet, from 30 feet to 28 feet, beginning at East Main Street and ending at Euclid Street except that within 50 feet of East Main Street the pavement width shall be 18 feet and within 20 feet of Euclid Street the pavement width shall be 22 feet to improve pedestrian safety and define recessed parking areas.
11. Change the direction of traffic flow on an existing Right-of-Way to be renamed (currently named Euclid Street), between East Main Street and Euclid Street, from one-way northbound to one-way southbound.
12. Establish a pavement width of 38 feet for a future Right-of-Way (currently identified as Unnamed Road) between Euclid Street to the north and another future Right-of-Way to the south (currently identified as Elm Street) except that within 65 feet of Euclid Street the pavement width shall be 25 feet and within 30 feet of Elm Street the pavement width shall be 26 feet to improve pedestrian safety and define recessed parking areas.

- 13. Widen Atlas Street by 10 feet, from 28 feet to 38 feet, beginning at Elm Street and ending at 100 feet south of Euclid Street except that within 40 feet of Elm Street the pavement width shall be 26 feet to improve pedestrian safety and define recessed parking areas.
- 14. Widen Atlas Street by 9 feet, from 23 feet to 32 feet, beginning at Euclid Street and ending at 100 feet south of Euclid Street except that within 30 feet of Euclid Street the pavement width shall be 26 feet to improve pedestrian safety and define recessed parking areas.
- 15. Establish a pavement width of 32 feet for a future Right-of-Way (currently identified as Atlas Street) between Elm Street to the north and East Broad Street to the south except that within 30 feet of Elm Street to the north and within 40 feet of East Broad Street to the south, the pavement width shall be 26 feet to improve pedestrian safety and define recessed parking areas.
- 16. Widen East Broad Street by 2 feet, from 54 feet to 56 feet, between Chestnut Street and South Clinton Avenue except that within 210 feet of Chestnut Street the pavement width shall be variable between 40 feet and 56 feet and within 295 feet of South Clinton Avenue the pavement width shall be variable between 46 feet and 53 feet to improve pedestrian safety and define recessed parking areas.
- 17. Change the direction of traffic flow on East Broad Street, between Atlas Street and an existing Right-of-Way to be renamed (currently named Euclid Street), from one-way westbound to two-way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Scott moved to discharge Int. No. 62 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2013-53
(Int. No. 62)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$5,882,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of The Midtown Redevelopment Project In The City

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

Section 1. The City of Rochester, in the County

of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction of the Midtown Redevelopment Project, including the construction and reconstruction of streets, open space and utilities, the reconstruction of the Midtown Service Tunnel below the site of the Midtown Redevelopment Project, from Atlas Street to the eastern face of the former Seneca Building, as well as repairs and rehabilitation of certain elements of the Tunnel westerly to beneath Stone Street, planning and design services, and incidentals thereto, in order to effectuate the Midtown Urban Renewal Plan, in the City (the "Project"). The currently estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$15,898,347. The plan of financing includes the issuance of \$5,882,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$5,151,000 bonds appropriated in Ordinance No. 2012-468, \$3,046,000 bonds appropriated in Ordinance No. 2012-154, \$1,478,447 appropriated from Federal Economic Development Administration funds and \$340,900 from Federal funds appropriated in Section 3 of Ordinance No. 2011-64, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$5,882,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$5,882,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 41-a. of the Law, is fifty (50) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of

the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

Councilmember Scott moved to discharge Int. No. 63 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Ordinance No. 2013-54
(Int. No. 63)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$900,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Various Water Mains In The City Related To The Midtown Redevelopment 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 and reconstruction of certain water mains related to the Midtown Redevelopment 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 \$900,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$900,000 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 \$900,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$900,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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 ma-

ture in such year and (b) the payment of interest to be due and payable in such year.

Ordinance No. 2013-55
(Int. No. 64, As Amended)

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 Scott moved to discharge Int. No. 64 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Councilmember Scott moved to amend Int. No. 64.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Establishing Maximum Compensation For An Amendatory Professional Services Agreements For The Midtown Redevelopment Project And Appropriating Funds And Amending The 2012-13 Budget

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

Section 1. The sum of \$1,400,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates for resident project representation services for the Midtown Redevelopment Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$1,236,250 shall be funded from a bond ordinance adopted for the construction of the Project, \$119,434 shall be funded from a bond ordinance adopted for water purposes for the Project, \$42,826 shall be funded from the Cash Capital allocation from prior years, and \$1,490 shall be funded from a Local Improvement Ordinance for the Project.

Section 2. The sum of \$2,057,850 is hereby appropriated from anticipated reimbursements from the United States Economic Development Administration's Public Works Program to fund the Midtown Redevelopment Project.

Section 3. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and Rochester Research Associates, LLC to provide independent compliance monitoring for the Project Labor Agreement on the Midtown Redevelopment Project, for a term of one year, with a one-year renewal option. Of said amount, \$25,000 shall be funded from the 2012-13 Budget of the Department of Environmental Services, and the remainder from subsequent Budgets of the Department of Environmental Services, contingent upon the adoption of subsequent budgets.

Section 4. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency allocation to the Department of Environmental Services to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

Councilmember Scott moved to discharge Int. No. 65 from Committee.

The motion was seconded by Councilmember

Spaull.

mediately.

The motion was adopted unanimously.

Passed unanimously.

Local Improvement Ordinance No. 1661
(Int. No. 65)

By Councilmember McFadden
February 19, 2013

Local Improvement Ordinance - Areaway Abandonment At 27-33 And 45-51 Chestnut Street As A Part Of The Midtown Redevelopment Project

To the Council:

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

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

Section 1. As part of the Midtown Redevelopment Project, the Council hereby authorizes the special treatment of the areaways herein in the form of the abandonment of said areaways, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

Int. No. 53 - Authorizing An Agreement For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2012-13 Budget

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.

Int. No. 55 - Amending The 2012-13 Budget For The Fire Lieutenant Examination

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

The following entitled legislation is being held in Committee:

<u>Address</u> <u>SBL No.</u>	<u>Amount</u> <u>Owner</u>	<u>Term</u>
27-33 Chestnut St. 121.24-1-11	\$8,880 ABC, Inc.	3 Yrs.
45-51 Chestnut St. 121.24-1-14	\$9,000 Ramji, Inc.	2 Yrs.

Int. No. 54 - Authorizing An Agreement For The SWAN Freedom School Program

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

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 \$17,880, plus interest at a rate 1% above the City's "latest borrowing rate", shall be assessed on the properties described above. The Council hereby deems such properties 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.

Received, filed and published.

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

TO THE COUNCIL
Ladies and Gentlemen:

Section 6. The total cost of said improvements and work, up to \$17,880, 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.

Ordinance No. 2013-56
Re: Budget Amendment - Comprehensive Adolescent Pregnancy Prevention Program

Section 7. This ordinance shall take effect im-

Transmitted herewith for your approval is legislation related to funding for the Comprehensive Adolescent Pregnancy Prevention (CAPP) Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of \$43,792 in additional funding for the 2013 CAPP Program. This amount reflects an unanticipated cost of living adjustment (COLA) provided by the DOH.
2. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$43,800 to reflect the additional funding.

Year 3 of the CAPP program was authorized by Council in December 2012 (Ord. No. 2012-477). The City was notified on January 2, 2013 that the New York State Department of Health had authorized the COLA for the City's CAPP Program. COLA funds must be expended by March 31, 2013. These funds will be used to purchase program supplies and equipment.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-30

Ordinance No. 2013-56
(Int. No. 53)

Authorizing An Agreement For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2012-13 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the receipt and use of additional funding for the operation of the 2013 Comprehensive Adolescent Pregnancy Prevention Program.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$43,800, which amount is hereby appropriated from the funds to be received from the New York State Department of Health under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Haag, McFadden, Miller, Ortiz, Scott, Spaul - 7.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-57
Re: Amending the 2012-13 Budget - Fire Lieutenant Exam

Transmitted herewith for your approval is legislation amending the 2012-13 Budget by transferring a total of \$24,000 from Contingency to the Fire Department (\$20,000) and the Department of Human Resource Management (\$4,000) to cover the costs related to the development and administration of the local component of the Fire Lieutenant Civil Service exam. The current Fire Lieutenant Civil Service list will expire on July 13, 2013.

Departmental costs are summarized below:

RFD	
Overtime for back-fill for test developers	\$12,000

Test Assessor travel expenses	8,000
Subtotal	\$20,00

DHRM	
Administration of local component	\$ 1,200
Room rental	2,100
Miscellaneous	700
Subtotal	\$ 4,000

Total	\$24,000
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The Fire Lieutenant civil service exam will consist of a combination of state and local exam components. Costs associated with administration of the State component are included in the 2012-13 Budget. Development of the local component, a written exercise, will begin in February 2013 and it is anticipated that the exam will be administered in June 2013.

Fire Department personnel will assist the Department of Human Resource Management in developing the local component of the Exam. Fire officers will provide assistance as subject matter experts in the exam question and content development. In addition, volunteer test assessors from other municipal fire departments will travel to Rochester to rate the exam.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-57
(Int. No. 55)

Amending The 2012-13 Budget For The Fire Lieutenant Examination

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring from the Contingency allocation the sum of \$20,000 to the Rochester Fire Department and \$4,000 to the Department of Human Resource Management, to fund the Fire Lieutenant Examination development and administration.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 54
Re: Agreement - SWAN, Freedom School

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with the Southwest Area Neighborhood Association, Inc. (SWAN), for implementation of a Freedom School Program; and appropriating \$10,000 from the General Community Needs allocation of the 2009-10 Community

Development Block Grant to finance the cost of the agreement.

Freedom School is an evidenced-based summer academic enrichment literacy program developed by the Children's Defense Fund and used nationwide. The program has been shown to reduce the loss of academic skills often experienced during the summer by urban students. The SWAN Freedom School program will provide literacy enrichment in its summer program to fifty youth who live in the southwest area of the city, in hopes of improving their academic outcomes.

City funds will be used for program supplies, training, and student field trips. The University of Rochester is a partner in the project and will review qualitative measures, including self perceptions of literacy attainment and parent engagement.

It is anticipated that the City will provide this level of funding for a total of three years. A project description and budget is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 54

AUTHORIZING AN AGREEMENT FOR THE SWAN FREEDOM SCHOOL 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 South West Area Neighborhood Association, Inc. for the Freedom School Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Objective, Job Creation/Youth Development allocation of the 2009-10 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:10 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MARCH 19, 2013

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
*Mark T. Trostle
Police Department
*Neil L. O'Brien
*Norberto Torres
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of February 19, 2013 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

- The Mayor submitted the following:
Public Disclosure - CDBG Participation (2) 4103-13, 4104-13
Public Disclosure - HOME Participation 4105-13
Quarterly Report - Schedule of Revenues and Expenditures 4106-13

The Council submitted Disclosure of Interest Forms from Councilmember Haag regarding Int. Nos. 71 and 77.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul submitted a petition with 46 signatures opposing Entertainment Licenses. Petition No. 1683

Councilmember Spaul submitted a petition with 5 signatures in favor of saving the arts in Rochester Petition No. 1684

PUBLIC HEARINGS.

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

Approving An Increase In The Pavement Width Of Berwyn Street Int. No. 75 No speakers.

Amending The Official Map By Abandonment Of A Portion Of North River Street From Portside

Drive To Corrigan Street Int. No. 91 No speakers.

Amending The Official Map By Dedicating A Parcel For North River Street Int. No. 92 No speakers.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 78 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 79 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin March 19, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 66 - Cancellation Of Taxes And Charges

Int. No. 67 - Amending The 2012-13 Budget With Respect To Cash Capital

Int. No. 68 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements

Int. No. 69 - Authorizing Applications And Agreements For The Local Government Efficiency Grant Program

Int. No. 80 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Corn Hill Residential Parking

Int. No. 81 - Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 95 - Establishing Maximum Compensation For An Agreement For A Review Of Recreation And Youth Services

Respectfully submitted, Carolee A. Conklin, Carla M. Palumbo, Loretta C. Scott, Dana K. Miller (Did not vote on Int. Nos. 66 and 67)

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2013-58 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 \$4,432.03.

The property located at 322 Central Avenue is owned by National Railroad Passenger Corporation (Amtrak). 49 USC Section 24301 (1) exempts real property owned by the corporation from taxation for real property tax and special district charges. The City erroneously added embellishment charges for roadway snow plowing, street cleaning, sidewalk snow plowing, and hazardous sidewalk replacement, and a bill was issued for the 2012-13 fiscal year.

The assessment for the property located at 64 Valois Street was changed by a clerical error during the 2012 reassessment; the assessment for 68 Valois Street was inadvertently assigned to 64 Valois Street. The parcel is improved with a two-car detached garage and the assessment was to remain the same at \$7,700.

If these cancellations are approved, total cancellations thus far for 2012-13 will be as follows:

Table with 3 columns: City Council, Accounts, Amounts. Rows: City Council (9, \$167,765.87), Administrative (103, 26,946.32), Total (112, \$194,712.19)

These cancellations represent 0.081% of the taxes receivable as of July 1, 2012.

Respectfully submitted, Thomas S. Richards Mayor

Attachment No. AM-31

Ordinance No. 2013-58 (Int. No. 66)

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 322 Central Avenue is owned by National Railroad Passenger Corporation (Amtrak). 49 USC Section 24301(1) exempts real property owned by the corporation from taxation for real property tax and special district charges. The City erroneously added embellishment charges for roadway snow plowing; street cleaning; sidewalk snow plowing; and hazardous sidewalk replacement and a bill was issued for the 2012-13 fiscal year.

Table with 4 columns: S.B.L.#, Class, Tax Year, Amount Cancelled. Row: 106.63-1-12 N 2013 \$1,969.16 322 Central Avenue

(B) The assessment for the property located at 64 Valois Street was changed by a clerical error during the 2012 reassessment. The

parcel is improved with a two car detached garage and the assessment was to remain the same at \$7,700. However, the assessment for 68 Valois Street was applied to this property.

<u>S.B.L.#</u> <u>Address</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
091.58-1-16 64 Valois Street	N	2013	<u>\$2,462.87</u>
Grand Total			\$4,432.03

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:

Ordinance No. 2013-59
Re: Public Market Insurance Recovery
And 2012-13 Budget Amendment

Transmitted herewith for your approval is legislation authorizing the receipt and use of unanticipated insurance recovery funding of \$17,100 to reimburse the costs of a Public Market shed repair, and amending the 2012-13 Cash Capital Budget to reflect the insurance recovery.

In August 2012, a truck owned by a private entity collided with the Public Market shed causing damage to the roof. Due to the high level of activity at the Public Market during the summer, it was necessary to make immediate repairs to allow continued use of the shed. As a result, existing Cash Capital was used to fund the repairs. The insurance recovery amount will reimburse the Cash Capital account.

The repairs were complete as of December 2012, and the insurance recovery payment was received by the City in January 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-59
(Int. No. 67)

Amending The 2012-13 Budget With Respect To Cash Capital

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is

hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$17,100, which amount is hereby appropriated from funds received from an insurance recovery to reimburse the costs of a Public Market shed repair.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1
Re: Amending the City Charter -
Code of Ethics, Financial
Disclosure Statements

Transmitted herewith for your approval is legislation amending the City Charter with respect to the Code of Ethics and Financial Disclosure Statements. This amendment will:

1. Add members of City Boards and Commissions and City-appointed members of other Boards and Commissions to the list of persons required to file Financial Disclosure statements.
2. Amend the list of City officers and employees required to file Financial Disclosure statements to reflect current titles.
3. Clarify (as is consistent with the General Municipal Law) that:
 - a. Ownership of less than 5% of the stock of a corporation does not constitute a conflict and does not have to be reported,
 - b. Membership on the board of a not-for-profit corporation that has a contract with the City is not prohibited, but must be reported and may require recusal from acting on behalf of the City,
 - c. Employment by an entity having a contract with the City must be disclosed. However, no prohibited conflict of interest shall be found solely by reason of such employment if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.
4. Remove local provisions creating possible conflicts with the Freedom of Information Law, Open Meetings Law and Records Retention requirements. All of these matters are covered by State law and local provisions cannot be conflicting. However, amounts or values indicated on Financial Disclosure statements will continue to be withheld from public disclosure, and reference will be made to Board meetings being held in executive

session when appropriate.

The primary purpose of these amendments is to more closely align our local Code of Ethics and Financial Disclosure provisions with state requirements. The amendments will clarify local requirements by including some common exceptions from the General Municipal Law in the Charter and indicating when disclosure and recusal is required in common situations.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-32

Local Law No. 1
(Int. No. 68)

Local Law Amending The City Charter With Respect To Financial Disclosure Statements

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the list of persons required to file financial disclosure statements in Subsection G(1) of Section 2-18, Code of Ethics, by deleting the following titles contained therein, replacing those indicated:

- Director of Special Projects - Replace with Executive Staff Assistant IV
- Deputy Director of Human Resource Management
- Deputy Corporation Counsel
- IT Relationship Manager, Public Safety - Replace with Technical Infrastructure Service Manager
- Deputy City Assessor
- Director of Parking Violations & Adjudication - Replace with Assistant Director of Parking Manager/Plan Review/Building Inspection Manager of Business Development
- Deputy Commissioner of Environmental Services - Replace with Assistant Commissioner of Environmental Services
- Deputy Director of Operations - Replace with Assistant Director of Operations
- Street Maintenance Manager
- Fleet Service Manager - Replace with Fleet Manager
- Manager/Office of Employment Opportunities - Replace with Director/Office of Employment Opportunities

Said list is hereby further amended by adding "Deputy City Clerk" after "City Clerk" and moving "Chief of Staff" to follow "Deputy City Clerk"; by adding "Deputy Director of Finance" after "Director of Finance"; by adding "Assistant Manager/Parks & Recreation" after "Youth Intervention Supervisor"; and by adding "Manager/Library Finance", "Members of City Boards and Commissions" and "City Appointees to Boards and Com-

missions" to the end thereof.

Section 2. Section 2-18 of the City Charter is hereby further amended by adding thereto the following new subsection C(2)(c):

- (c) While disclosure is required, no prohibited conflict of interest shall be found involving a contract with a person, firm, corporation or association in which a City officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract.

Section 3. Section 2-18 of the City Charter is hereby further amended by adding thereto the following new subsections C(13) and (14):

- (13) The provisions of this section, including disclosure provisions in subsection G hereof, shall not apply to a contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee.
- (14) While disclosure and recusal shall be required, the interest of a City officer or employee who is a member of the board of a not-for-profit corporation or association which has a contract with the City shall not be prohibited where the remuneration of such City officer or employee will not be directly affected as a result of such contract.

Section 4. Section 2-18 of the City Charter is hereby further amended by amending Subsection G(3) by repealing the second and third sentences thereof.

Section 5. Section 2-18 of the City Charter is hereby further amended by amending Subsection G(5) by repealing the third sentence thereof.

Section 6. Section 2-18 of the City Charter is hereby further amended by amending Subsections G(9), (10) and (11) thereof to read in their entirety as follows:

- 9. The Board shall determine, consistent with the requirements of the Open Meetings Law, whether to hold executive sessions for discussion of matters set forth in Subsections G(4) and (6) with respect to specific persons, provided that the person whose conduct is the focus of the meeting may request that it be open to the public.
- 10. Public inspection and copying of all records relating to this Subsection G shall be governed by the provisions and proce-

dures of the Freedom of Information Law; provided, however, that the Records Access Officer shall withhold as an unwarranted invasion of personal privacy the categories of value or amount reported in former statements of financial disclosure.

11. Any determination of the Board relating to an application for an exemption under Subsection G(4) that is adverse to the person making the application shall not take effect for a period of 10 days from the date of notice of the determination.

Section 7. This local law 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. 2013-60

Re: Agreements - Local Government Efficiency Grant Applications

Transmitted herewith for your approval is legislation related to the City's applications to the New York State Local Government Efficiency (LGE) Grant program. The LGE grant program funds planning for, or implementing plans for, a project that will save taxpayer dollars through consolidations of government entities or services. As per the application requirements, this legislation will:

1. Authorize agreements with the New York State Department of State for the application for and receipt of two 2012-13 Local Government Efficiency Grants as described below.
2. Authorize inter-municipal agreements with the Rochester School District as co-applicant for the LGE Planning Grant, and as lead applicant for the LGE Implementation Grant.
3. Commit the use of a maximum of \$12,500 in City funds for the City's share of the required 10% local match should the state funding be awarded.

LGE Planning Grant

Project Title

City of Rochester/Rochester City School District: Establishing a Comprehensive, Shared-Services Community Center

Project Description

The City and the District are actively working together to reduce costs, increase efficiency, and eliminate duplicated services where possible. Funding is requested to study the feasibility of the development of the Edgerton Park/Jefferson School

campuses as a shared-service, comprehensive community center in the northwest quadrant of the city and its potential for cost savings and efficiencies. Several related efforts underway create a unique opportunity to evaluate the potential at this site to consolidate facilities, and coordinate and eliminate duplicate after-school, recreation, athletic, family, and library programs currently offered by both entities.

Amount Requested

\$50,000

Lead Applicant

City of Rochester

Lead Applicant Contact

Alinda Drury, Senior Staff Assistant, Office of the Mayor

Co-Applicant

Rochester City School District

LGE Implementation Grant

Project Title

Rochester City School District/City of Rochester Local Government Efficiency through Converged Network Services

Project Description

Currently, the City of Rochester has a disparate wide area network (WAN) with a mix of fiber, T1, and DSL technologies. Many of the more than 90 facilities owned or leased by the City have inadequate connectivity and/or internet bandwidth. The most reliable and robust current solution is fiber connectivity, but this comes with a high build-out cost depending on its proximity to a fiber hub or ring. The District/City collaboration would allow for a cost-effective solution for City facilities.

The District participates in the Federal E-Rate program, which enabled the cost-effective installation of Gigabit fiber connectivity to their 56 sites. The robustness of the WAN provides many synergistic opportunities for sharing of network resources. It is proposed that the City bring 15 of its recreation centers, which serve primarily District students, into the network.

The network build-out cost of this solution, estimated at \$200,000, would be paid for by the LGE grant. Projected savings over a three-year period include:

- Cancellation of current City cost of T1 and DSL data circuits \$ 75,000
 - Cost avoidance (based on current fiber build-out costs and three years of 10 Meg fiber connectivity service 570,000
- \$645,000

Amount Requested

\$200,000

Lead Applicant

Rochester City School District

Lead Applicant Contact

Annamarie R. Lehner, Chief Information Officer, RCSD

Co-Applicant
City of Rochester

Grant applications are due to the Department of State on March 13, 2013. Resolutions of the respective governing bodies will be accepted up until April 10, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-60
(Int. No. 69)

Authorizing Applications And Agreements For The Local Government Efficiency Grant Program

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

Section 1. Alinda Drury, Senior Staff Assistant, Office of the Mayor, is hereby authorized to submit applications to the New York State Department of State for funding under the 2012-13 Local Government Efficiency Grant Program and is authorized to execute all agreements, financial and/or administrative processes relating to the implementation of the Program. The applications shall include the following programs:

1. Establishing a Comprehensive, Shared-Services Community Center.

The Rochester City School District shall be a co-applicant with the City for this program. The City and the District are actively working together to reduce costs, increase efficiency, and eliminate duplicated services where possible. Funding is requested to study the feasibility of the development of the Edgerton Park/Jefferson School campuses as a shared-service, comprehensive community center in the northwest quadrant of the city and its potential for cost savings and efficiencies. The amount of \$50,000 is requested for this program.

2. Rochester City School District/City of Rochester Local Government Efficiency Through Converged Network Services.

The City shall be a co-applicant with the Rochester City School District for this program. Currently, the City of Rochester has a disparate wide area network (WAN) with a mix of fiber, T1, and DSL technologies. Many of the more than 90 facilities owned or leased by the City have inadequate connectivity and/or internet bandwidth. The most reliable and robust current solution is fiber connectivity, but this comes with a high build out cost depending on its proximity to a fiber hub or ring. The District/City collaboration would allow for a cost-effective solution for certain City facilities. The amount of \$200,000 is requested for this program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the Rochester City School District whereby the City and District shall join in the applications and cooperate in the implementation of these programs.

Section 3. The applications and other documents shall contain such additional terms and conditions as the Mayor and Senior Staff Assistant deem to be appropriate.

Section 4. Should the grant applications be approved, the Council commits the City to pay its \$12,500 share of the 10% local share of the programs.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-61
Re: Corn Hill Residential Parking

Transmitted herewith for your approval is legislation to amend Chapter 111 of the Municipal Code, Traffic Ordinance, with respect to Corn Hill residential parking.

The legislation makes the following changes:

- Residential parking permits will not be valid for over-sized vehicles.
- The fee for a residential parking permit will be \$24/annually.
- The fee for a visitor's pass obtained by a resident without a permit will be \$12/annually.
- Permits will now all expire on June 30th and fees will be prorated after the first six months of the year.

The sponsoring Council Members worked with the Corn Hill Neighborhood Association to create this legislation in order to address their concerns relative to parking in this area of the city.

A public hearing before the Mayor is required in order for this legislation to take effect.

Respectfully submitted,
Carolee A. Conklin Adam C. McFadden
Chair, Finance Committee Councilmember,
South District

Ordinance No. 2013-61
(Int. No. 80)

Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Corn Hill Residential Parking

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Section 111-81 of the Municipal Code, Permit parking in Corn Hill Neighborhood, as amended, is hereby further amended by adding the following new sentences to the end of subsection B thereof:

Residential parking permits, employee parking permits and visitor's passes shall only be valid for the parking of passenger cars and minivans designed and constructed so as to seat 9 persons or fewer, not including the driver, and pick-up trucks and motorcycles. They shall not be valid for parking of over-sized vehicles such as campers, mobile homes, large trucks or tractor-trailer cabs and rigs.

Section 2. Section 111-81 of the Municipal Code is hereby further amended by amending subsection D thereof to read in its entirety as follows:

D. The fee for a residential parking permit with up to two visitor's passes, or an employee parking permit, shall be \$24 per year. The fee for a visitor's pass obtained by a resident without a residential parking permit, or obtained by a business, shall be \$12 per year. All such fees shall be credited to the general fund of the city. Such permits and passes shall expire on June 30 of each year. Such fees may be prorated monthly during the period of transition to this standard end date, and for new permits and passes only.

Section 3. Section 1 of this ordinance shall take effect on May 1, 2013 and Section 2 shall take effect on July 1, 2013.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-62
Re: Agreement - RPO, 2013 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 2012-13 Budget of the Bureau of Communications.

Under this agreement, the RPO will provide two full orchestra concerts. The first concert will take place on May 4, 2013 at Kodak Hall at Eastman Theatre. This concert will feature a community chorus of 200 singers from throughout the Rochester area. Individual singers will apply to the RPO for inclusion, with final decisions based on recommendations from area school, community and church choir directors, and previous choral experience. All community members will be encouraged to apply. Tickets will be "pay what you can" with a suggested price of \$5 per ticket to the general public. Ticket revenue will be used to defray production costs of the theatre.

The second concert will be the annual July 4 Celebration featuring the RPO on Main Street, and will be free to the public.

A similar agreement was authorized in October 2011 by Ordinance No. 2011-317.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-62
(Int. No. 81)

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 2012-13 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-63
Re: Agreement - CGR, Review of Recreation and Youth Services Provided by the City

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with CGR for a programmatic and organizational review of recreation and youth services provided by the City. The cost of the agreement will be funded from the 2012-13 Undistributed Budget (Efficiency and Effectiveness).

Efficiency and effectiveness studies are undertaken regularly by the City and are driven by the desire to provide excellent service, efficient delivery of services, and to minimize the burden on the taxpayer. This agreement will provide for a high-level review of programs and services provided by the Department of Recreation and Youth Services and how they are organized. The results of the study will assist in determining an appropriate level of services and how best to deliver them.

The consultant will provide the following:

- An inventory of the programs and services currently provided by DRYS, including when and where it is offered, cost, number of staff and participants.

- An inventory of connections/overlaps between DRYS programs and services, community organizations, the Rochester Public Library, and the Rochester City School District.
- A comparative analysis and benchmarking of similar services provided by other municipalities.
- A description of current program evaluation methods used and recommendations for any improvements.

CGR was selected through a request for proposal process described in the attached summary.

It is anticipated that the project will be completed by June 30, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-33

Ordinance No. 2013-63
(Int. No. 95)

Establishing Maximum Compensation For An Agreement For A Review Of Recreation And Youth Services

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Center for Governmental Research, Inc. for a review of recreation and youth services provided by the City. Said amount shall be funded from the 2012-13 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
March 19, 2013

To the Council:

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

Int. No. 70 - Authorizing The Sale Of Real Estate

Int. No. 71 - Authorizing Amendatory Agreements For The Rochester Walks Program

The following entitled legislation is being held in Committee:

Int. No. 96 - Authorizing Agreements For The Downtown Police Detail

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

Received, filed and published.

Councilmember Palumbo moved to amend Int. No. 70.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-64
Re: Sale of Real Estate

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

The first property, 1222 St. Paul Street, is a structure sold to the highest bidder at the December 7, 2012 real estate auction. The buyer will rehabilitate the structure, maintaining its use as a two-family home, within twelve months of the approval of the sale. This sale includes the adjacent vacant lot at 1220 St. Paul Street.

The next four parcels are buildable vacant lots all being sold to their adjacent owners. The first three, 357 Ellicott Street, 185 Leander Road and 156 Peck Street, will be combined with their current properties as additional green space. The lot at 371 St. Paul Street will be for expanded business parking.

The remaining three properties; 577 Bay St, 6 Carl St and 37 Vose St, are unbuildable vacant lots being sold to their respective adjacent owners. All will be combined with the owners' current parcels.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$8,129.

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. AM-34

Ordinance No. 2013-64
(Int. No. 70, As Amended)

Authorizing The Sale Of Real Estate

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

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

Address	S.B.L.#	Lot Size	Use	Price	Purchaser
1222 St. Paul St	105.28-2-11	40x120	2 Family	\$6,000	Asefache G. Gebrufual
*1220 St. Paul St	105.28-2-27	40x120	Vacant		Asefache G. Gebrufual

*Indicates vacant lots sold in conjunction with the structure listed above it.

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

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
357 Ellicott St	135.35-2-6	40x100	4,000	\$ 400	Victor Villaronga
185 Leander Rd	061.77-1-20	48x149	9,552	\$ 500	Jason Smith
156 Peck St	106.59-3-53	40x120	4,800	\$ 425	Robert Kendricks
371 St. Paul St	106.62-1-33.2	88x24	1,597	\$1,000	High Falls Operating Co, LLC*

*Board Members: Richard Lozyniak, CEO; Dan Harrington, CFO; Kenn Yartz, COO; Katherine Markert, Secretary

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

Address	S.B.L.#	Lot Size	Sq. Ft.	Purchaser
577 Bay St	107.45-1-2	35x119	4,108	Joy Community Church**
6 Carl St	106.22-3-17	35x94	3,345	Domingo Diaz
<u>Pt. of 37 Vose St</u>	<u>Pt. of 106.41-1-31</u>	40x66 <u>40x33</u>	2,640 <u>1,320</u>	Coalition of North East Assn***

** Council Members: Steve Ash, Member; William Carpenter, Member; James Delmage, Member; Christopher King, Member; Rev. Anthony Martorana, Member; Mark Palmer, Member

*** Board Members: Purvis Arline, Jr., President; Yvonne Rice, Vice President; Rev. Glenn Alexander, Treasurer; Joyce McFadden, Secretary; Delaine Cook-Greene, Executive Director

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

Section 5. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-65
Re: New York State Department of Health
Cost of Living Adjustment - Rochester
Walks Program

Transmitted herewith for your approval is legislation related to notification from the New York State Department of Health in January 2013 that a Cost of Living Adjustment (COLA) based upon a Congressional Budget Office calculation for State fiscal year 2012-13 had been authorized for the Healthy Heart/Rochester Walks Program Grant. This legislation will:

1. Authorize an amendatory agreement with the New York State Department of Health for the receipt and use of the \$5,756 COLA for the 2012-13 Healthy Heart/Rochester Walks Program.
2. Authorize an amendatory agreement with the University of Rochester Center for Community Health to increase compensation by \$5,756 for promotion of the Rochester Walks Program in the Focused Investment Strategy areas.

Ordinance No. 2009-443 authorized the annual receipt of \$71,775 for this five-year grant program. Ordinance No. 2010-200 subsequently established annual compensation of \$69,622 for the University of Rochester, with the balance of the award being retained by the City.

This current amendment will bring the total award to the University to \$75,378 for 2012-13.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-65
(Int. No. 71)

Authorizing Amendatory Agreements For The Rochester Walks Program

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Health under the Healthy Heart Program for funding for the Rochester Walks Program.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with the University of Rochester to implement the Rochester Walks Program.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$5,756, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York State Department of Health Healthy Heart Program Grant Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 96 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - Councilmember Conklin, Haag, Miller, Palumbo, Ortiz, Scott, Spaul - 7.

Nays - President Warren, Councilmember McFadden - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-66
Re: Lease Agreement - Sibley
Redevelopment Limited
Partnership, Rochester Police
Downtown Detail

Transmitted herewith for your approval is legislation related to the lease of office space for a downtown police detail at the Sibley Building located at 30 N. Clinton Avenue. This legislation will:

1. Authorize a 10 year lease with Sibley Redevelopment Limited Partnership (Sibley Redevelopment) for 7,500 square feet of office space in the Sibley Building for the Rochester Police Department (RPD) Downtown Detail.
2. Authorize the payment of up to \$993,750 to Sibley Redevelopment to cover the cost to renovate the space for use by RPD. This payment shall satisfy the City's rent obligations for the term of the lease. The payment will be funded from 2011-12 Cash Capital as authorized in Ordinance No. 2012-319.
3. Authorize an agreement with SJ Parking LLC, owner of the St. Joseph's Parking Garage, to accommodate the installation by Sibley Redevelopment Limited Partnership of a new entranceway from the garage to the Sibley Building, and to provide access between the properties for a period of ten years. This will provide direct access to the garage required from RPD offices for police cruisers, bicycles and Segway equipment.
4. Authorize a five-year agreement, with an option for one five-year renewal, with SJ Parking LLC for 20 reserved parking spaces in the St. Joseph's Parking Garage. The cost for parking for 2013-14 is \$65 per space per month for total monthly cost of \$1,300, or \$15,600 per year. This amount will be included in the 2013-14 Budget of the Police Department and subsequent annual budgets, contingent upon their approval.

The new offices for the RPD Downtown Detail will occupy this leased space to accommodate approximately 40 officers and RPD staff. The space will

be provided by Sibley Redevelopment Limited Partnership in a fully renovated and finished condition. An appraisal performed by Midland Appraisal Associates, Inc. on December 4, 2012 determined that the cost for leasing the space would be \$9.50 per square foot for the first year; no adjustments for future costs were included in the appraisal.

The reserved parking spots at St. Joseph's will accommodate police vehicles. Parking for personal vehicles for 40 RPD personnel will be made available at the City-owned Mortimer Garage.

Per Ordinance No. 2012-319, \$1 million in 2011-12 Cash Capital was appropriated for the project; this amount did not take into account additional costs to the City including architectural and engineering design; furniture and equipment; information technology improvements; or move management services. Those aspects will be funded as summarized below:

<u>Purpose</u>		
Prior Years'	2012-13	
<u>Cash Capital</u>	<u>RPD</u>	<u>Total</u>
Arch., engineering design	\$34,000	\$ 34,000
Info. tech. improvements	\$ 50,000	50,000
Furniture, fixtures, equipment	57,000	57,000
Move management	25,000	25,000
Contingency	<u>20,000</u>	<u>20,000</u>
Total	\$127,000	\$186,000

The lease would commence on July 1, 2013 and expire on June 30, 2023.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-35

Ordinance No. 2013-66
(Int. No. 96)

Authorizing Agreements For The Downtown Police Detail

BE IT 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 Sibley Redevelopment Limited Partnership whereby the City shall lease approximately 7,500 square feet of space in the Sibley Building at 30 North Clinton Avenue to house the downtown Rochester Police Department (RPD) detail for a term of ten years, commencing on July 1, 2013. The agreement shall obligate the City to pay for costs to renovate the office space for the police use in an amount not to exceed \$993,750, which amount shall be funded from 2011-12 Cash Capital allocation. The payment of said amount

shall satisfy the City's rent obligations for the ten year term of the lease.

Section 2. The Mayor is hereby further authorized to enter into an agreement with SJ Parking, LLC for the installation of a new entranceway from the St. Joseph's Garage to the Sibley Building, and a ten-year agreement allowing the Rochester Police Department to access the Garage from the Sibley Building.

Section 3. The Mayor is hereby further authorized to enter into an agreement with SJ Parking, LLC for the reservation of 20 parking spaces in the St. Joseph's Garage for use by the Rochester Police Department for a term not to exceed five years, with a renewal option not to exceed five years. The cost of the parking for 2013-14 shall be \$65 per space per month. The sum of \$15,600 to pay for the spaces shall be included in the 2013-14 Budget of the Rochester Police Department. The cost of the spaces and payment for future years shall be approved as part of the annual budget of the Rochester Police Department.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, Haag, Miller, Ortiz, Palumbo, Spaul - 6.

Nays - President Warren, Councilmember McFadden, Scott - 3.

By Councilmember Scott
March 19, 2013

To the Council:

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

Int. No. 72 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$294,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing Repairs To The Rundel Memorial Building Of The Rochester Public Library

Int. No. 73 - Establishing Maximum Compensation For A Professional Services Agreement For The City Hall Generator Project

Int. No. 74 - Establishing Maximum Compensation For A Professional Services Agreement For A Single-Stream Recycling Study

Int. No. 82 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,225,000 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up Of The City-Owned Parcels At 300, 304-308 And 320

Andrews Street and 25 Evans Street In The City

Int. No. 83 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Environmental Clean-Up Of 300, 304-308 And 320 Andrews Street And 25 Evans Street

Int. No. 84 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$826,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Akron Street Group Improvements Project

Int. No. 85 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$413,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Akron Street Group Improvements Project

Int. No. 86 - Establishing Maximum Compensation For A Professional Services Agreement For The Akron Street Group Improvements Project And Appropriating Funds And Amending Ordinance No. 2012-245, As Amended

Int. No. 87 - Establishing Maximum Compensation For A Professional Services Agreement For The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations And Appropriating Funds, As Amended

Int. No. 88 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of ~~\$719,000~~ 962,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations In The City, As Amended

Int. No. 89 - Authorizing A Grant Agreement For The Port Marina And Mixed Use Development Project

Int. No. 90 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Port Marina And Mixed Use Development Project

Int. No. 93 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of Various Water Mains Related To The 2011 And 2013 Water Main Extension And Improvements Program In The City

Int. No. 94 - Amending Bond Ordinance No. 2010-331 Of The City Of Rochester, New York, Authorizing The Issuance Of Bonds Of Said City To Finance The Cost Of The Reconstruction Of Various Water Mains Related To The 2011 And 2013 Water Main Extension And Improvements Programs In The City

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

legislation:

Int. No. 75 - Approving An Increase In The Pavement Width Of Berwyn Street

Int. No. 91 - Amending The Official Map By Abandonment Of A Portion Of North River Street From Portside Drive To Corrigan Street

Int. No. 92 - Amending The Official Map By Dedicating A Parcel For North River Street

Respectfully submitted,
Loretta C. Scott
Matt Haag
Elaine M. Spaul
Lovely A. Warren (Voted on Int. Nos. 89 through 94)
Dana K. Miller
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-67
Re: Rundel Library Structural Project -
Phase IIIA and Phase IIIB

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$294,000 and the appropriation of the proceeds thereof to finance the construction costs for Phase IIIA and design costs for Phase IIIB for the Rundel Library Structural Project.

The Rundel Library Structural Project began in 2007 to address needed structural repairs to the perimeter sections of the building foundations and adjacent sections of the north, south and east terraces. Phase I, constructed in 2008, and Phase II, constructed in 2010, repaired the structural foundations of the library perimeter and the east and south terraces, respectively.

Phase IIIA will waterproof and reconstruct the Court Street Terrace (south) and includes the removal of the existing stamped asphalt surface and substrate to the structural deck.

Bids for construction were received on Thursday, February 21, 2013. The apparent low bid of \$221,850 was submitted by Patterson-Stevens, Inc., which is 6% less than the engineer's estimate. An additional \$42,150 will be allocated for project contingencies.

The anticipated construction completion is summer 2013. Phase IIIA will result in the creation or retention of the equivalent of 2.4 full-time jobs.

Phase IIIB will waterproof and reconstruct the loading dock area. T.Y. Lin International was selected from the City's term contract (structural engineering) as authorized by Ordinance No. 2011-253. The consultant's fee of \$30,000 will be funded by the ordinance herein and provide engineering design and construction administration for

phase IIIB.

It is anticipated that construction of phase IIIB will begin in summer 2014, with scheduled completion in fall 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-36

Ordinance No. 2013-67
(Int. No. 72)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$294,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing Repairs To The Rundel Memorial Building Of The Rochester Public Library

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the Rundel Memorial Building of the Rochester Public Library at 115 South Avenue in the City, including waterproofing and reconstruction of the Court Street Terrace and Loading Dock (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$294,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$294,000 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 \$294,000 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 \$294,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of

the Local Finance Law, is twenty (20) years.

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

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

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

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

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

designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-68
Re: Agreement - Stantec Consulting Services Inc., City Hall Generator

Transmitted herewith for your approval is legislation establishing \$92,000 as maximum compensation for an agreement with Stantec Consulting Services Inc. for engineering and architectural services required for the installation of a generator in City Hall. The cost of the agreement will be financed from the bonds previously authorized for this purpose via Ordinance No. 2012-452.

The project includes engineering and architectural services for an emergency backup generator at City Hall. Consultant will provide schematic design through construction administration services.

Stantec was selected through a request for proposal process which is described in the attached summary.

Consultant design phase services will begin in spring 2013; it is anticipated that construction will begin in spring 2014 with scheduled completion in fall 2014. The project will result in the creation/retention of the equivalent of one full-time job.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-37

Ordinance N. 2013-68
(Int. No. 73)

Establishing Maximum Compensation For A Professional Services Agreement For The City Hall Generator Project

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

Section 1. The sum of \$92,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for engineering and architectural services for the City Hall Generator 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. 2012-452.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-69
Re: Agreement - Gershman, Brickner & Bratton Inc., Single-Stream Recycling Study

Transmitted herewith for your approval is legislation establishing \$48,000 as maximum compensation for an agreement with Gershman, Brickner & Bratton Inc. for a study and analysis to assist the City in its implementation of single-stream recycling collection. The cost of the agreement will be funded from the 2012-13 Budget of the Department of Environmental Services.

The consultant will provide a report to the City detailing its analysis, evaluation and recommendations relating to the factors which will be critical for the City to review in order to make operational, staffing and purchasing decisions necessary to develop a plan of implementation. The consultant's study will specify types and quantities of containers to be used, the motor vehicle equipment employed, and specific procedures for collection of recyclable materials. The plan will be consistent with the new single-stream approach adopted by Monroe County.

Gershman, Brickner & Bratton Inc. was selected through a request for proposal process which is described in the attached summary. The firm is recommended based on their:

- Extensive experience in and knowledge of the solid waste industry, including current technological trends
- Previous work with large municipalities in the northeast, including Buffalo, Syracuse, Albany, New York City, and Onondaga and Westchester Counties
- Competitive price package, which is all-inclusive with no add-on costs

The results of the study will enable the City to choose the safest, most customer-friendly and operationally efficient recycling container coupled with the optimal collection vehicle and best collection procedures for the City's recycling operation.

The agreement will be for a term of one year.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-38

Ordinance No. 2013-69
(Int. No. 74)

Establishing Maximum Compensation For A Professional Services Agreement For A Single-Stream Recycling Study

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The sum of \$48,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Gershan, Brickner & Bratton, Inc. for a study of the implementation of single-stream recycling collection by the City for its residents and customers. Said amount shall be funded from the 2012-13 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. 2013-70 and
Ordinance No. 2013-71

Re: Amendatory Agreement - Day
Environmental, Inc., Environmental
Cleanup of Andrews Street Site

Transmitted herewith for your approval is legislation related to the environmental cleanup of the site located at 300, 304, and 320 Andrews Street and 25 Evans Street. This legislation will:

1. Authorize the issuance of bonds totaling \$1,225,000 and the appropriation of the proceeds thereof to finance the cost of additional environmental services.
2. Authorize an amendatory agreement with Day Environmental, Inc. (Day) for additional remedial cleanup services. The additional cost, \$1,225,000, will bring total compensation for this agreement to \$1,985,450. Ordinance 2009-387 established \$547,350 as maximum compensation, and Ordinance No. 2012-74 authorized an additional \$213,100 for additional investigation and cleanup activities. The additional cost for the current amendment will be funded from the bonds requested herein. This amendment will also extend the term of the agreement to six months after receiving the New York State Department of Environmental Conservation (NYSDEC) Certificate of Completion.

Details of the site, its history, sources of contamination, and environmental investigation and remediation to date are more fully described in the transmittal letters accompanying Ordinance Nos. 2009-387 and 2012-74. The work authorized in Ord. No. 2012-74 has been successfully completed.

Under this current amendatory agreement, Day will complete the remediation required to obtain NYSDEC Certificate of Completion, including:

- Complete a design phase investigation to further delineate the extent of on-site and contamination migrating off-site onto the New York State Inner Loop expressway system;

incorporate the results into the existing GIS database; and develop two- and three-dimensional computer models illustrating the location depths of the groundwater contamination targeted for remediation.

- Complete bench scale tests and conduct a pilot test to confirm that in-situ chemical oxidation would be a viable and cost effective remedial alternative to cleanup overburden groundwater contaminated with perchloroethene (dry-cleaning solvent).
- Based on the results of the bench scale and pilot tests, develop a full scale in-situ chemical oxidation remedial action work plan to remediate perchloroethene and other volatile organic chemicals at the site.
- Complete performance monitoring after the initial round of in-situ chemical oxidation to monitor and track the progress of remediation and if necessary, complete a second round of smaller targeted in-situ chemical oxidation injections and/or design and construction of a permeable reactive barrier wall to remediate the remaining residual concentrations of perchloroethene.
- Install and sample a site-wide groundwater monitoring network and install a protective stone surface cover system as required by NYSDEC.
- Complete required project documentation and reports including an interim remedial measure construction completion report, a remedial alternatives analysis report, a final engineering report, an environmental easement, and a site management plan.

Day submitted a proposal for \$1,166,000. DES recommends a contingency in the amount of \$59,000 (approximately 5%) to address unanticipated conditions. It is anticipated that the additional remedial work will be completed in 2015.

The amendatory agreement will result in the retention or creation of approximately twelve full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-39

Ordinance No. 2013-70
(Int. No. 82)

**Bond Ordinance Of The City Of Rochester,
New York Authorizing The Issuance Of
\$1,225,000 Bonds Of Said City To Finance The
Additional Cost Of Environmental Clean-Up Of
The City-Owned Parcels At 300, 304-308 And
320 Andrews Street And 25 Evans Street In The
City**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the additional cost of the environmental investigation and remedial interim clean-up of hazardous substances at the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,985,814. The plan of financing includes the issuance of \$1,225,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$75,000 bonds appropriated in Ordinance No. 2009-388, \$173,100 appropriated from United States Environmental Protection Agency Brownfields Cleanup Grant Funds, \$472,714 appropriated from 1996 Clean Water Clean Air Bond Act Grant Funds, and \$40,000 from current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,225,000 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 improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,225,000. 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 11.00a.6-e of the Law, is twenty (20) years.

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

of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

Ordinance No. 2013-71
(Int. No. 83)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Environmental Cleanup Of 300, 304-308 And 320 Andrews Street And 25 Evans Street

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

Section 1. The sum of \$1,225,000, 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 Day Environmental, Inc. for environmental cleanup of the City-owned parcels at 300, 304-308 and 320 Andrews Street and 25 Evans Street. The amendatory agreement shall extend until six months after receiving the certificate of completion from the New York State Department of Environmental Conservation. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-72,
Ordinance No. 2013-73 and
Ordinance No. 2013-74

Re: Akron Group Improvements -
Akron Street and Cedarwood Terrace

Transmitted herewith for your approval is legislation related to the Akron Group Improvements project which includes Akron Street and Cedarwood Terrace (Jersey Street to Akron Street). This legislation will:

1. Authorize the issuance of bonds totaling \$826,000 and the appropriation of the proceeds thereof to partially finance street and sewer improvements for the project.
2. Authorize the issuance of bonds totaling \$413,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements for the project.
3. Authorize the appropriation of Community Development Block Grant funds from the Neighborhood Right-of-Way allocation 2010-11 in the amount of \$185,000 to partially finance this project.
4. Establish \$165,000 as maximum compensation for an agreement with Stantec Consulting Services, for resident project representation (RPR) services.

The Akron Group Improvement Project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. The project includes installation of new curbs, driveway aprons, and catch basins, replacement of sidewalk as needed, reconstruction of the pavement on Cedarwood Terrace and Akron Street (Atlantic Avenue to East Main Street), and topsoil and seed. A new street lighting system will also be installed on Cedarwood Terrace and Akron Street (East Main Street - Merchants Road).

Prior City Council authorizations include Ord. No. 2010-232 for the pavement width change of Cedarwood Avenue (Jersey to Akron), and Ord. No. 2012-36 for the pavement width change of Akron Street (Atlantic to E. Main).

Bids for construction were received on February 26, 2013. The apparent low bid of \$1,187,345 submitted by J.J. Bell Constructors, LLC is 10.81% less than the engineer's estimate. An additional \$148,655 will be allocated for project contingencies. Funding sources for the project, based upon the bid amount, are as follows:

Category	Construction	RPR	Contingency	Total
Street bond	\$ 669,132	\$118,800	\$ 38,068	\$ 826,000
Street cash	0	0	76,500	76,500
Water bond	333,113	46,200	33,687	\$413,000
CDBG	185,000	0	0	185,000
Traffic	100	0	400	500
	<u>\$1,187,345</u>	<u>\$165,000</u>	<u>\$148,655</u>	<u>\$1,501,000</u>

Public meetings were held on April 8, 2010, December 16, 2010, April 13, 2011, and September 28, 2011. A copy of the meeting minutes are on file in the City Clerk's Office.

Stantec Consulting Services was selected through a Request for Proposal process, which is described in the attached summary.

Construction is scheduled to start in the spring of 2013 with substantial completion in the summer of 2013. This project will result in the creation/retention of the equivalent of 12.9 full-time jobs

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AM-40

Ordinance No. 2013-72
(Int. No. 84)

**Bond Ordinance Of The City Of Rochester,
New York, Authorizing The Issuance Of
\$826,000 Bonds Of Said City To Finance The
Cost Of Reconstruction Of Certain Streets As A
Part Of The Akron Street Group Improvements
Project**

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

Section 1. The City of Rochester, in the County
of Monroe, New York (herein called "City"), is
hereby authorized to finance the cost of the recon-
struction of certain streets as a part of the Akron
Street Group Improvements Project in the City (the
"Project"). The total estimated maximum cost of
said specific object or purpose, including prelimi-
nary costs and costs incidental thereto and the
financing thereof, is \$1,087,500. The plan of fi-
nancing includes the issuance of \$826,000 bonds of
the City, and said amount is hereby appropriated
therefor, together with the application of \$185,000
appropriated from Community Development Block
Grant Funds and \$76,500 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 \$826,000 are hereby authorized to be
issued, pursuant to the Constitution and laws of the
State of New York, including the provisions of the
Local Finance Law, constituting Chapter 33-a of
the Consolidated Laws of the State of New York
(herein called the "Law"), this Ordinance, and other
proceedings and determinations related thereto.

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

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

Section 5. Each of the bonds authorized by this
Ordinance and any bond anticipation notes issued
in anticipation of the sale of said bonds shall con-
tain the recital of validity as prescribed by Section
52.00 of the Law and said bonds and any notes
issued in anticipation of said bonds, shall be gener-

al obligations of the City, payable as to both prin-
cipal and interest by an ad valorem tax upon all the
taxable real property within the City without limita-
tion 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 ma-
ture in such year and (b) the payment of interest to
be due and payable in such year.

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

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

- (a) such obligations are authorized for an object
or purpose for which the City is not author-
ized to expend money, or
- (b) the provisions of law which should be com-
plied with at the date of the publication of
such Ordinance are not substantially com-
plied 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 autho-
rized and directed to publish a summary of the
foregoing Ordinance, together with a Notice at-
tached in substantially the form prescribed by Sec-
tion 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. 2013-73
(Int. No. 85)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$413,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Akron Street Group Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Akron Street Group Improvements Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$413,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$413,000 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 \$413,000 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 \$413,000. 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 ma-

ture 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. 2013-74
(Int. No. 86, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Akron Street Group Improvements Project And Appropriating Funds And Amending Ordinance No. 2012-245

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

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established

as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the Akron Street Group Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$118,800 shall be funded from a bond ordinance adopted for street improvements for the Project and \$46,200 shall be funded from a bond ordinance adopted for water improvements for the Project.

Section 2. The sum of \$185,000, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Objective, ~~Neighborhood Right of Way Residential Street Rehabilitation~~ allocation of the 2010-11 Community Development Block Grant to fund the Akron Street Group Improvements Project.

Section 3. Ordinance No. 2012-245, relating to agreements for Business Assistance Programs, is hereby amended by changing the appropriation of \$711,550 in funding for the ED Financial Assistance Loan & Grant Programs from the Promoting Economic Stability allocation of the 2011-12 Community Development Block Grant to the Promoting Economic Stability allocation of the 2012-13 Community Development Block Grant.

Section 4. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-75 and
Ordinance No. 2013-76
Re: 2012 Preventive Maintenance
Transportation Improvement
Project - Four Locations

Transmitted herewith for your approval is legislation related to 2012 Preventive Maintenance Transportation Improvement Project for four locations. This legislation will:

1. Authorize the issuance of bonds totaling \$719,000 and the appropriation of the proceeds thereof to partially finance project street improvements.
2. Authorize the appropriation of \$1,546,400 in anticipated Federal Highway Aid to finance this project.
3. Establish \$173,000 as maximum compensation for an agreement with Erdman Anthony Consulting Engineers for resident project representation (RPR) services for the project.

The 2012 Preventive Maintenance Transportation Improvement Project will address four locations: Genesee Street (Brooks Avenue to West Main Street); Northland Avenue (Ferncliffe Drive to Waring Road); North Plymouth Avenue (Inner Loop to Lyell Avenue); Buffalo Road (City Line to Mt. Read Boulevard). The project designed by Erdman Anthony (Ord. No. 2012-28) includes milling and resurfacing, curb and sidewalk repair, pavement marking, and signal loop. Administration of the project for the New York State Department of Transportation and funding appropriations were authorized in Ordinance Nos. 2012-28 and 2012-82.

Bids for construction were received on February 28, 2013. The apparent low bid of \$2,072,226 was submitted by J.J. Bell Constructors, LLC, which is 17.3% less than the engineer's estimate. An additional \$25,540 will be allocated for project contingencies.

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

	<u>Construction</u>	<u>RPR Services</u>	<u>Contingency</u>	<u>Total</u>
Federal	\$1,546,400	\$ -	\$ -	\$1,546,400
Bonds	520,460	173,000	25,540	719,000
Cash Capital	<u>5,366</u>	<u>-</u>	<u>33</u>	<u>5,399</u>
Total	<u>\$2,072,226</u>	<u>\$173,000</u>	<u>\$25,573</u>	<u>\$2,270,799</u>

Erdman Anthony Consulting Engineers was selected for RPR services from the New York State DOT list of pre-approved regional engineer firms, as described in the attached consultant selection summary.

This phase of the project results in the creation/retention of the equivalent of 22.5 full-time jobs. Construction is anticipated to begin in May 2013 with completion in July 2013.

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AM-41

Ordinance No. 2013-75
(Int. No. 87, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations And Appropriating Funds

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

Section 1. The sum of ~~\$173,000~~ 275,000, 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 resident project representation services for the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. The sum of \$1,546,400 is hereby appropriated from funds to be received from the Federal Highway Administration to finance the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations.

Section 3. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2013-76
(Int. No. 88, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of ~~\$719,000~~ 962,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of certain streets as a part of the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations, including improvements to Genesee Street (Brooks Avenue to West Main Street), Northland Avenue (Ferncliffe Drive to Waring Road), North Plymouth Avenue (Inner Loop to Lyell Avenue), and Buffalo Road (City Line to Mt. Read Boulevard), in the City (the

"Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is ~~\$2,270,799~~ 2,513,799. The plan of financing includes the issuance of ~~\$719,000~~ 962,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,546,400 appropriated from Federal Highway Administration funds, and \$5,399 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 ~~\$719,000~~ 962,000 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.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-77,
Ordinance No. 2013-78,
Ordinance No. 2013-79 and
Ordinance No. 2013-80

Re: Port Marina and Mixed Use
Development Project

Transmitted herewith for your approval is legislation related to the Port Marina project and will:

1. Authorize an agreement with New York State Environmental Facilities Corporation (NYSEFC) for receipt and use of \$198,000 in 2011 Green Innovation Program funding for the project.
2. Authorize an amendment to the Official Map to abandon North River Street extending between Portside Drive and Corrigan Street, and

to dedicate portions of 4752 Lake Avenue as right-of-way in conjunction with the realignment of North River Street to accommodate the project. The proposed map changes were referred to the necessary agencies for comment.

3. Authorize an amendatory agreement with The Edgewater Group for additional engineering design services required to complete final design of phase one improvements. Ordinance No. 2010-306 established \$1,239,000 as maximum compensation; Ordinance No. 2012-306 authorized an additional \$300,000. This amendment will increase compensation by another \$300,000 for a total of \$1,839,000. The additional cost will be funded from prior years' Cash Capital.

The NYSEFC grant will provide up to \$198,000 toward eligible marina construction costs; the local match of \$22,000 will be financed from prior years' Cash Capital. The grant requires a resolution from City Council that includes: designation of an authorized representative of the City; authorization to execute the grant agreement; and documentation and authorization of the local match funding.

The map amendment is required since the marina will be constructed over a portion of the current alignment of N. River St. Utilities within the current right-of-way will either be relocated by the utility or abandoned as part of the City's marina project. At its January 14, 2013 meeting, the City Planning Commission recommended approval of the abandonment and the dedication by a vote of 5-0-0. Minutes of that meeting, along with the application, are attached.

Under the amendatory agreement, The Edgewater Group will provide additional engineering design services for: parking south of the main terminal building; separation of utilities between the main terminal and the "Link Building" where marina boater services will be located; complexities related to utility installations; a new sewer main at the pump station requested by Monroe County Pure Waters; and any additional design contingencies.

It is anticipated that final design of the project will be completed in spring 2013 and that construction will begin in fall 2013. The estimated cost for construction of the phase one improvements is \$19.8 million. SEQR for the project was completed and Findings were adopted by City Council in May 2012. No additional reviews are required for phase one improvements.

A public hearing on the official map amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-42

Ordinance No. 2013-77
(Int. No. 89)

Authorizing A Grant Agreement For The Port Marina And Mixed Use Development Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Environmental Facilities Corporation for funding under the 2011 Green Innovation Grant Program for the Port Marina and Mixed Use Development Project.

Section 2. The sum of \$198,000 is hereby appropriated from anticipated reimbursements from the New York State Environmental Facilities Corporation to fund the Port Marina and Mixed Use Development Project. The City local match of \$22,000 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.

Ordinance No. 2013-78
(Int. No. 90)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Port Marina And Mixed Use Development Project

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Edgewater Group for final engineering and design services for phase one improvements as a part of the Port Marina and Mixed Use Development Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-79
(Int. No. 91)

Amending The Official Map By Abandonment Of A Portion Of North River Street From Portside Drive To Corrigan 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 North River Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known as part of Town Lots 22, 23 & 24 of the Mill Seat Tract of the Phelps and Gorham Purchase, said Town Lots being depicted on a map prepared by Horace Jones in 1878 and filed in the Monroe County Clerk's Office in Liber 4 of Maps at Page 71, said tract or parcel of land being more particularly bounded and described as follows:

Beginning at the intersection of the east street line of North River Street (66' ROW) and the south street line of Portside Drive (varying width); thence

- 1) North 63°-10'-16" West, along the southerly ROW line of Portside Drive a distance of 87.74 feet to a point; thence
- 2) North 26°-51'-27" East, a distance of 55.25 feet to the north street line of Portside Drive; thence
- 3) South 63°-10'-16" East, along the northerly ROW line of Portside Drive, a distance of 5.75 feet to an angle in the northerly ROW of Portside Drive; thence
- 4) North 71°-50'-44" East, along the northerly ROW line of Portside Drive, a distance of 22.63 feet to a point on the westerly ROW line of North River Street; thence
- 5) North 26°-51'-43" East, along the westerly ROW line of North River Street, a distance of 418.97 feet to a point; thence
- 6) Northeasterly, along a curve to the right having a radius of 122.00 feet for a distance of 16.15 feet along said curve to a point of reverse curvature; thence
- 7) Northeasterly, along a curve to the left having a radius of 178.00 feet for a distance of 118.36 feet along said curve to a point of tangency; thence
- 8) North 31°-06'-41" East, a distance of 14.08 feet to an angle point in the southerly street line of Corrigan Street (66' ROW); thence
- 9) North 71°-52'-15" East, along the southerly ROW of Corrigan Street, a distance of 12.64 feet to the intersection of the southerly ROW line of the Corrigan Street and the current easterly street line of North River Street (66' ROW); thence
- 10) South 26°-51'-43" West, along the easterly ROW line of North River Street, a dis-

tance of 632.55 feet to the Point or Place of Beginning.

The above described parcel containing 0.858 Acres of land and being shown as Parcel D on a map prepared by the City of Rochester Office of Maps and Surveys on March 23, 2012, revised December of 2012, and known as Municipal Re-subdivision 2011-02, Job No. 2011-019.

Subject to covenants, easements or restrictions of record, if any.

Section 2. The abandonment authorized herein shall take effect upon certification by the City Engineer that necessary utility relocation and public improvements have been completed.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-80
(Int. No. 92)

Amending The Official Map By Dedicating A Parcel For North River Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel, constituting a portion of 4752 Lake Avenue, to street purposes, and adding said parcel to North River Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known as part of Town Lots 22, 23 & 24 of the Mill Seat Tract of the Phelps and Gorham Purchase, said Town Lots being depicted on a map prepared by Horace Jones in 1878 and filed in the Monroe County Clerk's Office in Liber 4 of Maps at Page 71, said tract or parcel of land being more particularly bounded and described as follows:

Commencing at the intersection of the east street line of Lake Avenue (99' ROW) and the north street line of Portside Drive (varying width); thence

- 1) South 18°-10'-16" East, along said ROW line of Portside Drive, a distance of 14.13 feet to an angle point in the northerly ROW of Portside Drive; thence
- 2) South 63°-10'-16" East, along said ROW line of Portside Drive, a distance of 189.38 feet to the Point or Place of Beginning; thence
- 3) North 26°-51'-27" East, a distance of 365.44 feet to a point of curvature; thence
- 4) Northeasterly, along a curve to the right

having a radius of 182.00 feet for a distance of 134.53 feet along said curve to a point of reverse curvature; thence

- 5) Northeasterly, along a curve to the left having a radius of 118.00 feet for a distance of 78.46 feet along said curve to a point of tangency; thence
- 6) North 31°-06'-41" East, a distance of 5.95 feet to the southerly street line of Corrigan Street (66' ROW); thence
- 7) South 18°-08'-24" East, along the southerly ROW of Corrigan Street, a distance of 4.78 feet to a point on the westerly street line of the current North River Street (66' ROW); thence
- 8) South 26°-51'-43" West, along the westerly ROW line of North River Street, a distance of 126.34 feet to a point; thence
- 9) Southwesterly, along a curve to the left having a radius of 122.00 feet, a distance of 74.03 feet along said curve to a point of tangency; thence
- 10) South 26°-51'-27" West, a distance of 365.41 feet to the north street line of Portside Drive; thence
- 11) North 63°-10'-16" West, along the north ROW line of Portside Drive, a distance of 60.00 feet to the Point or Place of Beginning.

The above described parcel containing 0.692 Acres of land and being shown as Parcel B on a map prepared by the City of Rochester Office of Maps and Surveys on March 23, 2012, revised December of 2012, and known as Municipal Re-subdivision 2011-02, Job No. 2011-019.

Subject to covenants, easements or restrictions of record, if any.

Being part of the same premises conveyed to the City of Rochester by deeds filed in the Monroe County Clerk's Office in Liber 1440 of Deeds, Page 235 and Liber 1520 of Deeds, Page 430.

Section 2. The dedication authorized herein shall take effect upon certification by the City Engineer that necessary utility relocation and public improvements have been completed.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-81 and
Ordinance No. 2013-82
Re: Water Main Extensions and
Improvements Project

Transmitted herewith for your approval is legislation related to the 2013 Water Main Extensions and Improvements program. This legislation will:

1. Authorize the issuance of bonds totaling \$1,100,000 and the appropriation of the proceeds thereof for the program.
2. Amend Ordinance No. 2010-331 to add 2013 streets as eligible for 2011 program funding. Ordinance 2010-331 authorized a total of \$3 million in bonds for the 2011 program; Ordinance No. 2010-400 provided an amendment that reduced the amount to \$2,790,800. A total of \$400,000 remaining in 2011 funds will be applied to this year's program for a total of \$1.5 million.

The program provides for the scheduled replacement of deteriorated and inadequate water mains. Of the approximately 600 miles of pipe within the City's distribution system, approximately 383 miles are over 75 years of age, which is the expected useful life of water mains. Program funds were identified in the 2010-11, 2011-12, and 2012-13 Capital Improvement Programs.

This will fund water main improvements on the following streets: LaGrange Avenue (Ridgeway Avenue - Lion Street), Driving Park Avenue (Wren Street - Dewey Avenue), Emerson Street (Dewey Avenue - 800' east), Ambrose Street (Lake Avenue - Cliff Street), and Nelson Street (Henrietta Street - Pembroke Street). This project also includes the construction of a pressure regulating valve vault on Lake Avenue near the Denise Road intersection. Approximately 5,100 feet of new domestic water main will be funded by this legislation. This project is intended to eliminate future water main breaks, improve water quality and increase water flow for regular consumption and fire fighting.

The streets identified in the legislation are scheduled to begin in spring 2013 with completion late fall 2013. Project inspection will be provided by Water Bureau personnel.

The project results in the creation/retention of the equivalent of 71 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-43

Ordinance No. 2013-81
(Int. No. 93)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of Various Water Mains Related To The 2011 And 2013 Water Main Extension And Improvements Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of reconstruction of water mains as part of the 2011 and 2013 Water Main Extension and Improvements Program, including but not limited to water mains along LaGrange Avenue (Ridgeway Avenue to Lion Street), Driving Park Avenue (Wren Street to Dewey Avenue), Emerson Street (Dewey Avenue to 800 feet east), Ambrose Street (Lake Avenue to Cliff Street) and Nelson Street (Henrietta Street to Pembroke Street), as well as the construction of a pressure regulating valve vault on Lake Avenue near the Denise Road intersection, and those streets identified in Ordinance No. 2010-331, as amended by Ordinance No. 2010-400, as part of the 2011 Water Main Extension and Improvements Program, in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,829,000. The plan of financing includes the issuance of \$1,100,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,790,800 bonds appropriated in Ordinance No. 2010-331, \$729,000 bonds appropriated in Ordinance No. 2010-89 and \$209,200 bonds appropriated in Ordinance No. 2009-201, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,100,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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. 2013-82
(Int. No. 94)

Amending Bond Ordinance No. 2010-331 Of The City Of Rochester, New York, Authorizing The Issuance Of Bonds Of Said City To Finance The Cost Of The Reconstruction Of Various

Water Mains Related To The 2011 And 2013 Water Main Extension And Improvements Programs In The City

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

Section 1. Ordinance No. 2010-331, authorizing the issuance of \$3,000,000 bonds to finance the cost of the reconstruction of various water mains related to the 2011 Water Main Extension and Improvements Program, as amended by Ordinance No. 2010-400 to reduce the authorized amount of said bond issuance from \$3,000,000 to \$2,790,800, is hereby further amended by adding the streets from the 2013 Water Main Extension and Improvements Program to the list of streets eligible for funding under said Ordinance No. 2010-331. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is increased from \$3,729,000 to \$4,829,000. The plan of financing includes the issuance of \$2,790,800 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$729,000 bonds appropriated in Ordinance No. 2010-89 and \$209,200 bonds appropriated in Ordinance No. 2009-201, and \$1,100,000 appropriated in an additional bond for the 2013 Water Main Extension and Improvements Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-83
Re: Melville Street Group Improvement
Project - Berwyn Street Width Change

Transmitted herewith for your approval is legislation authorizing changes in pavement width of Berwyn Street from the existing 20 feet to 24 feet, beginning at Melville Street northerly to Rosewood Terrace.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. In addition to the pavement width changes, the project will include: installation of new curbs and underdrain; new catch basins; new driveway aprons; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed. No additional right-of-way is required to accommodate the changes in pavement width.

It is anticipated design will be completed in spring 2013; construction is projected to begin in summer 2013, with substantial completion by late fall 2013.

Public informational meetings were held on January 31 and February 7, 2013; copies of the meeting minutes are attached. The pavement width changes were endorsed at the February 19, 2013 Traffic Control Board meeting.

A public hearing on the pavement width change is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-44

Ordinance No. 2013-83
(Int. No. 75)

Approving An Increase In The Pavement Width Of Berwyn 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 Berwyn Street, from Melville Street to Rosewood Terrace, as a part of the Melville 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.

Passed unanimously.

By Councilmember McFadden
March 19, 2013

To the Council:

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

Int. No. 76 - Authorizing An Agreement For The Clinton Baden Community Center

Int. No. 77 - Authorizing Agreements For Sexual Health Promotion For Young People And Amending The 2012-13 Budget

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

Int. No. 78 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 79 - Local Improvement Ordinance - Security At The Public Market

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-84
Re: Cooperative Agreement - Use and Maintenance of the Clinton-Baden Community Center

Transmitted herewith for your approval is legislation authorizing a tripartite agreement with the Rochester City School District and Baden Street Settlement of Rochester, Inc. for the use and maintenance of the Clinton-Baden Community Center. The Center is attached to School 9, a City-owned property, at 485 North Clinton Avenue.

Since 1987, this agreement has allowed the District to use the property which is operated by Baden Street Settlement under a separate license agreement. The agreement will continue to indicate the rights and responsibilities of each party with respect to 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 fees to be paid by the District to Baden for use of the recreation facilities. Last year, this amount was \$51,500. Based on fees charged by the District for use of its facilities, the anticipated amount for this year is \$60,000. All other terms of the agreement remain the same.

The agreement will have an initial term of one year with provision for four one-year renewals.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-84
(Int. No. 76)

Authorizing An Agreement For The Clinton-Baden Community Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District and Baden Street Settlement, Inc. for the continued use and maintenance of the Clinton-Baden Community Center. The agreement shall extend for a term of one year, with four one-year renewal options.

Section 2. The agreement shall obligate the Rochester City School District to pay Baden Street Settlement, Inc. for use of the Community Center.

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. 2013-85
Re: Budget Amendment - New York
State Department of Health, Cost
Of Living Adjustment, Sexual Health
Grant

Transmitted herewith for your approval is legislation related to notification from the New York State Department of Health in January 2013 that a Cost of Living Adjustment of \$15,538 had been authorized for the City's Sexual Health Promotion through Youth Leadership (SHPYL) Grant awarded in 2012. This legislation will:

1. Authorize an amendatory agreement with the New York State Department of Health for the receipt and use of the additional \$15,538 for the 2012-2013 SHPYL Program; the original funding of \$193,700 was authorized via Ordinance No. 2012-279.
2. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$15,600 to reflect these funds.
3. Authorize an amendatory agreement with AIDS Care to increase maximum compensation by \$700 for a total of \$20,700. Ordinance No. 2012-279 authorized \$20,000 as maximum compensation. The additional amount will be used to purchase program supplies, and will be funded from the 2012-13 Budget of DRYS.

Program participants from each of the partner agencies (City of Rochester, Metro Council for Teen Potential, and AIDS Care) met and agreed to spend the majority of funds on social marketing and program supplies. The majority of these items can be processed by the City through existing purchasing procedures, which simplifies tracking and reporting of grant funds. AIDS Care requested specific health education materials that are available through their vendors. The City purchases will include:

<u>Use</u>	<u>Amount</u>
Incentives for participation	
• Bus passes (1000)	\$ 1,000
• Movie passes (150)	1,200
Office supplies	1,200
Social marketing promotional items	
• book bags, pens, shirts that include project logo and youth designs for distribution at community events to promote outreach	9,443
Advertising	1,995
	<u>\$14,838</u>

Compensation for the agreement with Baden Street Settlement, the other program service provider, will remain at \$101,777 as established in Ordinance No. 2012-279.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-45

Ordinance No. 2013-85
(Int. No. 77)

Authorizing Agreements For Sexual Health Promotion For Young People And Amending The 2012-13 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Department of Health for additional funding for the Sexual Health Promotion for Young People through Youth Leadership and Community Engagement Project.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with AIDS Care in an amount not to exceed \$700 for Project activities. Said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services.

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

Section 4. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$15,600, which amount is hereby appropriated from funds received from the New York State Department of Health.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1662 and
Local Improvement Ordinance No. 1663
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 City provides special snow removal 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 2013-14 for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$3.00 per foot. The total amount of assessment will be \$5,873.49, which is \$247.83 more than the 2012-2013 amount. The increase is due to an increase in the chargeback from the Department of Environmental Services.

	<u>2012-13</u>	<u>2013-14</u>
Fixed fee	\$100	\$100
Properties	x 15	x 15
Total	<u>\$1,500</u>	<u>\$1,500</u>
	<u>2012-13</u>	<u>2013-14</u>
Footage fee	\$2.83	\$3.00
Footage	x 1,457.83	x 1,457.83
Total	<u>\$4,125.66</u>	<u>\$4,373.49</u>

Security Services

In 2013-14 for security services, the fixed fee remains at \$1,190 per property, and the front footage fee will be \$11.78 per foot. The total amount of the assessment will be \$35,023.24 which is \$2,173.16 more than 2012-2013. The increase is due to a higher contract cost for security services.

	<u>2012-13</u>	<u>2013-14</u>
Fixed fee	\$ 1,190	\$ 1,190
Properties	x 15	x 15
Total	<u>\$17,850</u>	<u>\$17,850</u>
	<u>2012-13</u>	<u>2013-14</u>
Footage fee	\$10.29	\$11.78
Footage	x 1,457.83	x 1,457.83
Total	<u>\$15,001.07</u>	<u>\$17,173.23</u>

Public hearings are required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-46

Local Improvement Ordinance No. 1662
(Int. No. 78)

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, 2013 to June 30, 2014.

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 2013-14 year shall be \$5,873.49. The amount to be assessed against each parcel shall include a fee of \$100 per parcel plus \$3.00 per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The snow plowing and salting 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, 2013 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

Local Improvement Ordinance No. 1663
(Int. No. 79)

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, 2013 to June 30, 2014.

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 2013-14 year shall be \$35,023.24. The amount to be assessed against each parcel shall include a fee of \$1,190 per parcel plus \$11.78 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>Front Footage</u>
<u>SBL No.</u>	
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40

17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2013 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

The meeting was adjourned at 8:07 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
APRIL 16 2013

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
*Kevin C. Powers
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of March 19, 2013 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 4107-13
Public Disclosure - CDBG Participation (2) 4108-13, 4109-13
Quarterly Report - Delinquent Receivables 4110-13

The Council submits Disclosure of Interest Forms from Councilmember Haag regarding Int. Nos. 102 and 123, and from Councilmember Scott regarding Int. No. 126.

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:

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 100 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 131 No speakers.

Continuation Of Local Improvement Ordinance No. 1517 Relating To The Woodside/Goodwill Neighborhood Commercial Parking Lot Int. No. 132 No speakers.

Changing The Zoning Classification Of 435 Westfall Road From R-3/O-O High Density Residential/Office Overlay To R-3/O-B High Density Residential/Overlay Boutique Int. No. 108 No speakers.

Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District, As Amended Int. No. 109 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 135 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District, As Amended Int. No. 137 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2013 Int. No. 115 No speakers.

Authorizing An Agreement And Appropriating Funds For The Arnold Park Monuments Int. No. 116 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 117 No speakers.

Continuation Of Local Improvement Ordinance No. 1412 Relating To The Monroe Avenue II Street Lighting District Int. No. 118 No speakers.

Continuation Of Local Improvement Ordinance No. 1413 Relating To The Monroe Avenue I Street Lighting District Int. No. 119 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 120 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 121 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
April 16, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 97 - Authorizing An Agreement For Insurance Broker Services

Int. No. 98 - Establishing Maximum Compensation For Professional Services Agreements For Records Management Services

Int. No. 99 - Amending The 2012-13 Budget

Int. No. 138 - Establishing Maximum Compensation For A Professional Services Agreement For Audit Services

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 131 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 132 - Continuation Of Local Improvement Ordinance No. 1517 Relating To The Woodside/Goodwill Neighborhood Commercial Parking Lot

The following entitled legislation is being held in Committee:

Int. No. 100 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

Respectfully submitted,

Carla M. Palumbo
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-86
Re: Agreement - Haylor, Freyer and Coon,
Inc., Insurance Broker Services

Transmitted herewith for your approval is legislation authorizing an agreement with Haylor, Freyer and Coon, Inc., (Pittsford, NY) for insurance broker services. The term of this agreement will be for three years, with an option for two one-year renewals. Compensation is provided to the broker by the insurance company that underwrites policies carried by the City. Current policies and premiums are summarized in the attached list.

Compensation of agents and brokers is regulated by New York State Insurance Laws which prevent agents and brokers from "netting" premium and replacing commissions with a fee, especially as it relates to placing coverage. Standard commission rates are typically in the range of 10% to 15%. Based on their proposal, it is anticipated that Haylor, Freyer & Coon, Inc. will receive an average of 12%, or approximately \$62,000. Specific amounts will be disclosed by the firm as policies are produced and will be included in the annual report they provide to the City.

Haylor, Freyer and Coon, Inc. was selected through a Request for Proposal process, which is described in the attached summary.

Premiums for existing policies total \$516,108. Premiums for coverage for the six City-owned parking garages, currently \$132,930, are paid directly by the Parking Bureau. Premiums for coverage for the Soccer Stadium and the War Memorial, currently \$164,155, are paid directly by the Department of Neighborhood and Business Development. REDCO pays a total of \$12,646 for their policies. The remaining premiums for other coverage, currently \$206,377, are charged to the Undistributed allocation of the annual City Budget.

The consultant has been informed of the Living Wage requirement and the Department of Finance will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-48

Ordinance No. 2013-86
(Int. No. 97)

**Authorizing An Agreement For Insurance
Broker 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 Haylor, Freyer and Coon, Inc. for insurance broker services for a term of three years, with two one-year renewal options.

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. 2013-87
Re: Agreements - Electronic Conversion of
Fire Department Records

Transmitted herewith for your approval is legislation related to the conversion of Fire Department paper records to electronic format. This legislation will:

1. Establish \$44,282 as maximum compensation for an agreement with D4 (Rochester 14614) to scan and index paper records into electronic format.
2. Establish \$15,000 as maximum compensation for an agreement with DSS/Digital Group (Rochester 14615) to include the converted documents into a document management system.

The cost of these agreements will be funded from the 2012-13 Budget of the Department of Information Technology, which was recently amended (Ord. No. 2013-38) to reflect a grant for this purpose from the New York State Archives.

The D4 firm was selected based upon their local presence and consultation with DSS/Digital Group which has been contracted to provide support to develop our document management solution for Neighborhood and Business Development (NBD) and the Department of Environmental Services (DES). Please see the attached justification for why an RFP was not issued.

This funding will allow for the conversion of all of the inactive Fire Department fire safety inspection records by D4. The DSS/Digital Group will configure existing Sharepoint software for optimal storage of the converted records. The DSS/Digital Group will also collaborate with the Information Technology Department in the design, implementation, troubleshooting and post-implementation phases through project completion.

Given the time sensitivities for this project and its funding source, a request for proposal process was not used to select the consultants. A complete justification for not issuing the RFP is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-49

Ordinance No. 2013-87
(Int. No. 98)

Environmental Services	249,700
Finance	98,200
Fire	13,800
Information Technology	7,100
Law	2,800
Library	7,200
Neighborhood & Business Dev.	117,700
Police	62,300
Recreation & Youth Services	49,800

Establishing Maximum Compensation For Professional Services Agreements For Records Management Services

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

Section 1. The sum of \$44,282, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and D4 for the conversion of paper records into electronic format. Said amount shall be funded from the 2012-13 Budget of the Information Technology Department.

Section 2. 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 DSS/Digital Group for computer services relating to the electronic storage of Rochester Fire Department records. Said amount shall be funded from the 2012-13 Budget of the Information Technology Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-88
Re: Budget Amendment - AFSCME Wage Settlement

Transmitted herewith for your approval is legislation amending the 2012-13 Budget to reflect a total of \$796,600 in negotiated wage and salary increases for non-uniformed employees. This legislation will:

1. Transfer \$599,700 from the Contingency Account and appropriate fund balance amounts as follows:

Water Fund	\$55,300
Local Works Fund	\$38,000
Parking Fund	\$42,800
Refuse Fund	\$60,800

2. Distribute these funds, totaling \$796,600, to Undistributed (\$56,500) for related benefits, and to departments as follows for salaries and wages:

City Council & Clerk	\$ 5,800
Administration	15,600
Emergency Communications	110,100

When the 2012-13 Budget was adopted by the City Council in June 2012, salary and wage rates had not yet been established for employees represented by the full-time or part-time American Federation of State, County and Municipal Employees (AFSCME). And, no wage adjustment decision had been made for employees in the Confidential classification. As a result, a provision for possible increases for these employees was included in department budgets and in Contingency. An appropriation of fund balance is required from the Water, Local Works, Parking and Refuse funds to reflect the actual cost by fund.

The five-year contract with AFSCME Local 1635, negotiated and signed in February 2013, provides for a retroactive wage increase effective July 1, 2012 with the following rates:

- 2% effective July 1, 2012
- 2% effective July 1, 2013
- 1% effective July 1, 2014
- 2% effective July 1, 2015
- 2% effective July 1, 2016

Effective March 1, 2013, the monthly mileage allowance for eligible employees will increase from \$231 per month to \$300 per month.

The amounts by classification are as follows:

AFSCME Full Time	\$615,200
AFSCME Part Time	54,900
Confidential	43,800
Mileage (Full Time & Part Time)	26,200
Salary Benefits - Undistributed	56,500
Total	\$796,600

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-88
(Int. No. 99)

Amending The 2012-13 Budget

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates by the following amounts, which amounts are appropriated from the fund balances of the accounts indicated, and which amounts shall be used to increase the appropriations in Section 2 along with the transfer from the Contingency allocation:

Water Fund	\$ 55,300
Local Works Fund	38,000
Parking Fund	42,800
Refuse Fund	60,800
Total	\$196,900

Ordinance No. 2013-89
(Int. No. 138)

Establishing Maximum Compensation For A Professional Services Agreement For Audit Services

Section 2. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$599,700 from the Contingency allocation to the following appropriations and by increasing the following appropriations by the amounts set forth in Section 1:

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

Undistributed	\$ 56,500
City Council & Clerk	5,800
Administration	15,600
Emergency Communications	110,100
Environmental Services	249,700
Finance	98,200
Fire	13,800
Information Technology	7,100
Law	2,800
Library	7,200
Neighborhood & Business Dev.	117,700
Police	62,300
Recreation & Youth Services	49,800
Total	\$796,600

Section 1. The sum of \$685,625, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Freed Maxick CPAs, P.C. for independent audits of the financial statements of the City and the City School District and for special audits and/or services requested by the City, for a term of three years, with two one-year renewal options. Of said amount, \$377,425 shall be funded from the 2012-13 and subsequent budgets of the City and \$308,200 shall be funded from the 2012-13 and subsequent budgets of the City School District, contingent upon adoption of subsequent budgets.

Section 3. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Councilmember Conklin moved to amend Int. No. 131.

Ordinance No. 2013-89
Re: Agreement - Freed Maxick CPAs, P.C.,
Auditing Services

The motion was seconded by Councilmember Scott.

Transmitted herewith for your approval is legislation establishing an agreement with Freed Maxick CPAs, P.C., 100 Meridian Centre, Suite 310, Rochester, New York 14618 for auditing services.

The motion was adopted unanimously.

Auditing services will be provided to the City of Rochester, Rochester City School District, Rochester Joint School Construction Board, the Cultural Commission, REDCO and the Library. The contract will be for 3 years with an option of two 1-year extensions.

TO THE COUNCIL
Ladies and Gentlemen:

Freed Maxick CPAs, P.C. was selected through a request for proposal process and the summary is attached.

Local Improvement Ordinance No. 1664 and
Local Improvement Ordinance No. 1665
Re: Special Assessment District Parking Lots

Respectfully submitted,
Lovely A. Warren
President
Northeast District Councilmember

Transmitted herewith for your approval is legislation related to the special assessment district neighborhood commercial and residential parking lots. This legislation will:

Carolee A. Conklin
Chair, Finance Committee
Councilmember-at-Large

1. Authorize the extension of the Woodside/Goodwill Neighborhood Commercial Parking Lot for an additional 10 years.
2. Authorize the assessments for the lots and appropriating \$96,225 for the operation and maintenance of the parking areas during 2013-14, as summarized below.

Attachment No. AM-50

Special Assessment District parking lots established by City Council in 1979 include: Culver/Merchants; Monroe Avenue/Oxford Square Lot; North Street; Lyell Avenue; and Woodside/Goodwill. A sixth lot was created in 2011-12 for Mt. Hope in the College Town district. Annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the cost of snow plowing, cleaning, landscaping, maintenance, lighting and parking regulation enforcement, and are based on budgets submitted by the related neighborhood or business association and/or estimates based on past years' budgets. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The total assessments required for 2013-14 are:

<u>Lot</u>	<u>Assessment</u>	<u>Notes</u>
North Street Commercial	\$14,400	Includes \$7,400 for fence replacement
Monroe Ave/Oxford Square Off-Street	28,400	Includes \$15,000 for lighting project & -\$3,000 from prior years' unused amounts
Culver/Merchants Commercial	35,125	Includes rent
Woodside/Goodwill Street Off-Street	8,700	
Lyell Avenue Commercial	8,600	
Mt. Hope Commercial	<u>1,000</u>	
Total	\$96,225	

A public hearing is required.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Local Improvement Ordinance No. 1664
 (Int. No. 131, As Amended)

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 2013-14:

Parking Area	New Assessments	Unused Assessments From Prior Years	Total Amount	LIO
Culver/Merchants	\$35,125	\$ -0-	\$35,125	1534
Monroe Avenue	28,400 <u>18,300</u>	3,000 <u>4,600</u>	31,400 <u>22,900</u>	1604
North Street	14,400	-0-	14,400	1258
Lyell Avenue	8,600	-0-	8,600	1548
Woodside/Goodwill	8,700	-0-	8,700	Pending
Mt. Hope	1,000	-0-	1,000	1651

Section 2. This ordinance shall take effect on July 1, 2013.

Strikeout material deleted; underlined material added.

Passed unanimously.

Local Improvement Ordinance No. 1665
 (Int. No. 132)

Continuation Of Local Improvement Ordinance No. 1517 Relating To The Woodside/Goodwill Neighborhood Commercial Parking Lot

WHEREAS, by Local Improvement Ordinance No. 1517, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Woodside/Goodwill Neighborhood Commercial Parking Lot; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years.

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

Section 1. Local Improvement Ordinance No. 1517, relating to the levying of local improvement assessments

to fund the cost of special work and services related to the Woodside/Goodwill Neighborhood Commercial Parking Lot, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2013.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 100
Re: Downtown Special Services Program

Transmitted herewith for your approval is legislation related to the Downtown Special Services Program (DSS). This legislation will:

1. Approve the 2013-14 budget for the program. The proposed budget (attached) totaling \$530,183 was approved at a joint meeting of the DSS Board and Members on March 7, 2013 meeting.
2. Approve the assessments to be apportioned to the properties within the Downtown Special Services District. Upon application of \$55,000 from the fund balance, \$2,624 from delinquent collections, and \$1,012 in other revenues, the total assessment for 2013-14 will be \$471,547.
3. Establish \$529,171 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2013 to June 30, 2014. This agreement will be funded from assessments to participating properties and a portion of the existing fund balance.

The Downtown Special Services Program, established by Council in March 1994 (as the Downtown Guides Program) and re-authorized in 1999, 2004, and 2009, is administered by the non-profit corporation, Downtown Special Services, Inc. The corporation is directed by an 11-member board which includes representatives from downtown businesses, the tourist industry, and City and County government, and managed by the Rochester Downtown Development Corporation (RDDC). DSSI is governed jointly by the Board and by a 20-person membership consisting of downtown residents, churches, educational and cultural institutions, in addition to government, Police Department, and hospitality sector representatives.

The program provides Safety and Information Services in the downtown area. The Safety Services team includes 23 members who complete rounds throughout downtown on foot and by bicycle in 11 distinct neighborhoods contained in the assessment district service area during the hours of 1:00 - 9:30 pm (Monday through Thursdays), 1:00 - 10:30 pm (Fridays), 5:00 - 10:30 pm (Saturdays), and 5:00 - 9:30 pm (Sundays), 358 days per year. They also offer on-demand evening walking service to down-

town employees between the hours of 3 pm and 9 pm, Monday through Friday.

The Information Services team of 4 members operates the Downtown Information Center weekdays from 10 am to 4 pm and maintains a portion of the downtown website, in a long-standing partnership between DSSI and the Rochester Downtown Development Corporation (RDDC).

The assessment to cover the expenses of the program will be apportioned among all non-homestead properties within the district boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation. Upon approval of this legislation, the tax levy for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review and comment on the levies.

City staff have been working with RDDC and downtown stakeholders to determine the feasibility of establishing a downtown Business Improvement District (BID), which would replace the Main Street Enhancement District and the Downtown Special Services Program with a comprehensive entity, whose staff would provide safety, hospitality, and information services; business advocacy and promotion; and general BID maintenance.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 100

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 2013-14 fiscal year for the Downtown Special Services District, is established at \$471,547, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances Nos. 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 \$529,171, and of said amount, or so much thereof as may be necessary, \$471,547 is hereby appropriated from the assessments authorized herein and \$55,000 is hereby appropriated from Downtown Special Services District fund balances and \$2,624 from delinquent collections. 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, 2013.

Held in Committee.

By Councilmember Palumbo
April 16, 2013

To the Council:

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

Int. No. 101 - Authorizing The Sale Of Real Estate

Int. No. 102 - Authorizing The Lease Of Space At Monroe High School

Int. No. 103 - Appropriating Funds For Quadrant Planning

Int. No. 104 - Authorizing An Amendatory Agreement For The Home Rochester Program

Int. No. 105 - Resolution Approving Reappointments To The Elevator Examining Board

Int. No. 106 - Resolution Approving Reappointment To The Board Of Examiners Of Stationary Engineers And Refrigeration Operators

Int. No. 107 - Resolution Approving Reappointments To The Examining Board Of Plumbers

Int. No. 126 - Authorizing An Agreement For The Joint Energy Conservation Program And Amending Ordinance No. 2011-322

Int. No. 127 - Authorizing Extension Of An Agreement Relating To The Exterior And Security Rehabilitation Program

Int. No. 133 - Amending Chapter 90 Of The Municipal Code, Property Code, With Respect To Certificates Of Occupancy

Int. No. 134 - Amending Article III, Lead-Based Paint Poisoning Prevention, Of Chapter 90 Of The Municipal Code, Property Code

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

Int. No. 108 - Changing The Zoning Classification Of 435 Westfall Road From R-3/O-O High Density Residential/Office Overlay To R-3/O-B High Density Residential/Overlay Boutique

Int. No. 109 - Local Improvement Ordinance - Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment, As Amended

Int. No. 135 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related

To The High Falls Business Improvement District

Int. No. 137 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District, As Amended

Respectfully submitted,
Carla M. Palumbo
Jacklyn Ortiz
Dana K. Miller
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-90
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 10 properties. With the exception of purchasers of unbuildable vacant land, City records have been audited to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a commercial vacant lot being sold to a church to expand their parking. The lot will be combined with their current parcel.

The remaining 9 parcels are unbuildable vacant lots. All are being sold to their respective adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these ten properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,780.

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. AM-51

Ordinance No. 2013-90
(Int. No. 101)

Authorizing The Sale Of Real Estate

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

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
138 Genesee St	120.50-2-39	35 x 166	5,843	\$3,000	Aenon Missionary Baptist Church*

*Board of Trustees: Rev. Dr. James L. Cherry, Sr., Pastor; Jesse Scott, Deacon Board Chairman; Leslie Harvey, Sr., Board Chairman

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>
76 Eddy St	120.34-2-37	33 x 139	4,603	Sam J. Parsons
263 Epworth St	120.67-1-22	40 x 55	2,179	Anita L. Simmons
328 Epworth St	120.67-3-90	33 x 115	3,872	Mary Kearney
63 Ernst St	091.73-3-81	35 x 105	3,675	Edward W. Rebis
4 Evergreen	106.37-1-16	35 x 66	2,310	Wong & Wanda Homphophone
48 Henry St	106.40-3-68	33 x 93	3,023	Chealyn Tim
357 McNaughton	105.39-2-26	20 x 149	2,880	Carmen Navarra
44 Merrimac St	106.40-4-33	30 x 104	2,801	Cheryl Cox, Rosa Johnson & Marilyn Sibley
22 Wait St	106.58-2-45	35 x 100	3,608	Nydia DeLeon & William Ruiz

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-91
Re: Lease Agreement - Strong Memorial
Hospital, Monroe High School

Transmitted herewith for your approval is legislation related to the construction of a school based health clinic (SBHC) at the Rochester City School District Monroe Campus. This legislation will:

1. Authorize a 10-year lease of property at Monroe High School at 164 Alexander St., to the Strong Memorial Hospital, a division of the University of Rochester, for the purpose of operating a school-based health clinic (SBHC).
2. Authorize the submission of a "Notice of Federal Interest" by the City, acknowledging the Federal government's interest in the completed premises.

A portion of the existing Monroe High School building will be redesigned for operation of the SBHC. Construction costs will be funded in part by a grant in the amount of \$348,700 awarded to Strong Memorial Hospital from the Health Services and Resources Administration of the US Department of Health and Human Services. The balance of the construction costs will be funded under the RCSD Facilities Modernization Plan, which calls for construction and renovation in multiple areas of the Monroe Campus.

The remodeled space will house both the school nurse and the SBHC, and will operate on a year-round basis. In lieu of rent, the facility shall provide primary medical care, comprehensive preventive and wellness services, and behavioral health interventions and counseling to Health Center-enrolled students of the Monroe Campus. All students are eligible to enroll; for those students who elect to do so, parental consent is required.

It is anticipated that construction will commence in Summer 2014. The building would be ready for occupancy and programming in September 2015. Although the lease will not commence until the date of occupancy, the Federal grant requires an executed letter from the City of Rochester (as Landlord) consenting to the lease of the property prior to construction.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-91
(Int. No. 102)

Authorizing The Lease Of Space At Monroe High School

WHEREAS, the City School District and City of Rochester have received a proposal for the lease of space at Monroe High School at 164 Alexander Street to Strong Memorial Hospital for a term of ten years for the operation of a school based health clinic; and

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

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Strong Memorial Hospital for the lease of space at Monroe High School at 164 Alexander Street for the operation of a school based health clinic. The agreement shall extend for a term of ten years, commencing upon the date of occupancy. The Mayor is further authorized to submit a Notice of Federal Interest to the United States Government acknowledging its interest in the completed premises due to the use of Federal funds, and such other instruments as may be necessary to effectuate the project.

Section 2. The lease agreement shall be without rent, in lieu of the lessee providing medical, wellness and counseling services to health center-enrolled students of Monroe High School.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-92
Re: CDBG Appropriation - Quadrant Planning Support Program

Transmitted herewith for your approval is legislation related to the Quadrant Planning Support Program. This legislation will:

- 1. Appropriate \$50,000 from the Quadrant Planning Support allocation of the Neighborhood and Asset Planning Fund of the 2012-13 Community Development Block Grant.

- 2. Authorize any agreements necessary to implement Program projects.

This appropriation will fund the 2013 Quadrant Planning Support Program, and provide \$10,000 to each of the four quadrants and Center City/Downtown. Projects to be selected are included in the respective quadrant plans, and are reviewed, prioritized, and chosen by the Quadrant Teams.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-52

Ordinance No. 2013-92
(Int. No. 103)

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 2012-13 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	\$10,000
Northeast	10,000
Southwest	10,000
Southeast	10,000
Downtown	10,000

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 immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-93
Re: Amendatory Agreement - Rochester Housing Development Fund Corporation, Home Rochester Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Housing Development Fund Corporation (RHDFC) for additional services related to the Home Rochester Program. Ordinance No. 2012-12 established \$210,000 as maximum compensation

for the agreement. This amendment will increase compensation by \$120,000 for a total of \$330,000. The additional cost will be funded from 2011-12 Cash Capital. The amendment will also extend the agreement for one year.

The original funding was sufficient for development subsidies to serve up to ten Home Rochester homebuyers earning between 81% and 120% of Area Median Income; to date, six have been served. Traditionally, Home Rochester properties are available to families who earn less than 80% of the median family income.

The need for additional funds at this time is driven by higher than anticipated project costs and greater than anticipated demand for the program for buyers in the higher income category. The additional funds will provide subsidies (averaging \$25,000) for the acquisition and rehabilitation of approximately five vacant structures by participating developers.

All other aspects of the program and the agreement remain as described in the transmittal letter accompanying Ordinance No. 2012-12.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-93
(Int. No. 104)

Authorizing An Amendatory 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 amendatory agreement with the Rochester Housing Development Fund Corporation (RHDFC) to provide development subsidies as a part of the Home Rochester Program.

Section 2. The amendatory agreement 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 2011-12 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-7,
Resolution No. 2013-8 and
Resolution No. 2013-9
Re: Re-appointment - Examining Boards

Transmitted herewith for your approval is legislation confirming the re-appointment of the following individuals to three (3) of the examining boards, as summarized below. Summary descriptions and membership lists for each board are attached.

<u>Name</u>	<u>Role/Qualification</u>
<u>Member Since</u>	<u>Mtgs. Attended During Term</u> <u>Term Exp.</u>

Elevator Board

Brian W. Hoose	Elevator Industry
2006	10 of 12 Oct. 2012
Mark Schwartz	Building Owner
2004	9 of 12 Apr. 2013

Stationary Engineer/Refrigerator Operator

Raymond O'Dell	
2009	34 of 36 Dec. 2012

Plumbing Board

Richard Benedict	Journeyman Plumber
2002	24 of 29 Dec. 2012
William Kurtz	Master/Employer
2010	29 of 30 Dec. 2012
Gary Mauro	Master/Employer
2002	29 of 30 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. AM-53

Resolution No. 2013-7
(Int. No. 105)

Resolution Approving Reappointments To The Elevator Examining Board

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

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

<u>Name</u>	<u>Expiration</u>	<u>Role/Qualification</u>
Brian W. Hoose	Oct. 31, 2015	Elevator Industry
Mark Schwartz	Apr. 30, 2016	Building Owner

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2013-8
(Int. No. 106)

Resolution Approving Reappointment 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 Raymond O'Dell to the Board of Examiners of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31, 2015.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2013-9
(Int. No. 107)

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>Expiration</u>	<u>Role/Qualification</u>
Richard Benedict	Dec. 31, 2015	Journeyman Plumber
Gary Mauro	Dec. 31, 2015	Master Plumber
William Kurtz	Dec. 31, 2015	Master Plumber

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-94
Re: Agreement - Action for a Better Community, Joint Energy Conservation Program

Transmitted herewith for your approval is legislation related to the Joint Energy Conservation Program administered by Action for a Better Community, Inc. (ABC) authorized via Ordinance No. 2011-322. This legislation will:

1. Amend Ordinance No. 2011-322 to:
 - a. Reduce the total amount appropriated therein from the 2011-12 Community Development Block Grant for the Emergency Assistance Repair Program, \$670,000, by \$9,199 to \$660,801;
 - b. Reduce maximum compensation established therein for ABC by the same amount (\$9,199);
 - c. Re-appropriate the \$9,199 for Joint Energy Conservation Program activities in 2013.

2. Establish \$9,199 as maximum compensation for an agreement with ABC for continued administration of the Joint Energy Conservation Program. The cost of the agreement will be financed from the funds re-appropriated herein.

The original agreement with ABC authorized via Ordinance No. 2011-322 expired before all of the funding could be expended. The proposed appropriation and new agreement will allow ABC to use remaining funds to address additional low-income households in need of services.

A description of the Joint Energy Conservation program is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-54

Ordinance No. 2013-94
(Int. No. 126)

Authorizing An Agreement For The Joint Energy Conservation Program And Amending Ordinance No. 2011-322

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community for the continuation of the Joint Energy Conservation Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$9,199.14, and said amount, or so much thereof as may be necessary, is hereby reappropriated 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 agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2011-322, relating to agreements for Home Repair Programs, is hereby amended by reducing the amount authorized and appropriated therein for the Joint Energy Conservation Program by the amount set forth in Section 2, which amount is reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-95
Re: Agreement - NCS Community Development

Corporation, Focused Investment Strategy
Exterior and Security Rehabilitation
Program For Owner- Occupants

Transmitted herewith for your approval is legislation authorizing the extension of the term of an agreement with NCS Community Development Corporation to allow for the continuation of the Focused Investment Strategy Phase II Exterior and Security Rehabilitation Program for Owner-Occupants. The term will be extended to November 15, 2013.

Ordinance No. 2011-24, as amended by Ordinance No. 2011-201, authorized the original agreement and funding for the program. No additional funding is required at this time. Of the original amount of \$1,112,000, a balance of \$75,513 remains uncommitted.

The Exterior and Security Rehabilitation Program for Owner-Occupants offers financial assistance to eligible owner-occupants to enhance the exteriors of their homes in line with FIS Design Standards and to address lead hazards. To date, 23 properties have been completed through Phase II of the program and an additional eight are nearly complete (most requiring spring work that is weather dependent). The extension of the agreement will allow for completion of Phase II projects currently underway, as well as two additional projects.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-95
(Int. No. 127)

**Authorizing Extension Of An Agreement
Relating To The Exterior And Security Rehabilitation Program**

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

Section 1. The Council hereby authorizes the extension of an agreement with NCS Community Development Corporation, Inc. for Phase II of the Exterior and Security Rehabilitation Program as a part of the Focused Investment Strategy, as approved by Ordinance No. 2011-24 and amended by Ordinance No. 2011-201, through November 15, 2013.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to return Int. No. 133 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers

Conklin, McFadden, Miller, Ortiz, Scott, - 6.

Nays - Councilmembers Palumbo, Haag, Spaul - 3.

Councilmember Palumbo moved to return Int. No. 134 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote .

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Scott, - 6.

Nays - Councilmembers Palumbo, Haag, Spaul - 3.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 133 and

Introductory No. 134

Re: Amending the City Code - Certificate of
Occupancy and Lead-Based Paint
Poisoning Prevention

Transmitted herewith for your approval is legislation amending section 90-16 of the City Code, Certificates of Occupancy (C of O), and Chapter 90, Article III, Lead-Based Paint Poisoning Prevention to accomplish the following:

1. Incorporate all necessary standards within the Lead-Based Paint Poisoning Prevention Code itself, thereby ending its current dependency on EPA standards.
2. One- and two-family dwellings that are located in the high risk area (as defined in Section 90-55 of the Code) and that have been found to have interior deteriorated paint violations will be required to renew their C of O in three years (instead of the current six) if temporary remediation was used to correct the hazard.
3. Establish authority for the City to perform audits for all third party lead clearance providers and establish procedures and due process requirements for any necessary administrative actions relating to the providers.
4. Clarify the following aspects:
 - Allowing occupancy of an applicable rental property without a valid C of O is a violation.
 - The City has the right to seek an Inspection Warrant regardless of whether or not a required C of O application has been received.
 - The definition of a dwelling unit, and specifying which portion of the interior of the structure is subject to requiring third party lead clearance testing as a remedy to abate an interior deteriorated paint violation.

These changes are primarily technical in nature and come as a result of the past six years of lead violation experience and data, and recent court challenges. These changes will provide the City with the necessary tools to enforce the relevant sections of code, enhance the protection of city children from lead poisoning, and codify current lead inspection procedures to provide clarity and to better serve our customers.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 133

AMENDING CHAPTER 90 OF THE MUNICIPAL CODE, PROPERTY CODE, WITH RESPECT TO CERTIFICATES OF OCCUPANCY

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

Section 1. Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further amended as follows:

- a. Section 90-16, Certificates of occupancy, is hereby amended by amending subsection A(1) to read in its entirety as follows:
 - (1) No person shall permit the occupancy of a one-family rental dwelling, a building containing two or more dwelling units, or a mixed occupancy building containing one or more dwelling units, unless a valid certificate of occupancy is in effect for said building. If such a building is occupied in violation of this section, a ticket may be served on the owner of the building. The violation shall be considered a high level violation for which the penalties set forth in §13A-11D(1)(c) of the Municipal Code shall apply.
- b. Section 90-16, Certificates of occupancy, is hereby amended by amending the introductory phrase to subsection B(1) to read as follows:
 - (1) The Commissioner shall waive the requirement for obtaining a new certificate of occupancy when title is transferred in any of the following manners, provided that a valid certificate of occupancy is then in effect for said building:
- c. Section 90-16, Certificates of occupancy, is hereby amended by amending subsection H(1)(a) to read in its entirety and by adding a new subsection H(1)(c) to read as follows:
 - (a) A certificate of occupancy for either a one-family dwelling or a two family dwelling not occupied by the owner, or the spouse, child, parent or sibling of the owner, issued on or after July 1, 2006, shall remain valid for a period of six

years from the date of issuance, unless sooner terminated pursuant to Subsection H(1)(c) or by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b), or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.

- (c) A certificate of occupancy for either a one-family dwelling or a two-family dwelling not occupied by the owner, or the spouse, child, parent or sibling of the owner, issued on or after January 1, 2014, which is located in the "High Risk Area", as defined in §90-55 of the Municipal Code, and where an interior deteriorated paint violation was identified and corrected by applying interim controls, shall remain valid for a period of three years from the date of issuance, unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b), or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.
- d. Section 90-16, Certificates of occupancy, is hereby amended by repealing subsections A(3) and H(2), and by replacing them with the following new subsections:
 - J. Renewal. The owner of record shall apply for and obtain a new certificate of occupancy within 90 days prior to the expiration or termination of a valid certificate of occupancy pursuant to Subsections A(2) or H(1) herein.
 - K. Warrants. The Director and Commissioner shall each have the authority to seek inspection warrants, pursuant to Article I, Part B of the Charter of the City of Rochester, where the same are constitutionally required, regardless of whether an application for a certificate of occupancy has been submitted.
 - L. Remedies. When a certificate of occupancy is required, unless a valid certificate of occupancy is in effect for said building, the Director or Commissioner may order occupants of the building to vacate the building, may serve a ticket on the owner of the building, which shall be a high level violation for which the penalties set forth in §13A-11D(1)(c) of the Municipal Code shall apply, or may pursue any other penalty or remedy set forth in this Chapter or Chapter 52 of the Municipal Code, or any other penalty or remedy provided by law.
- e. Section 90-16, Certificates of occupancy, is hereby amended by redesignating subsection I(2) as subsection M, and amending it to read as follows:

M. Voiding existing certificate of occupancy. Whenever violations of the Property Conservation Code, Building Code, Fire Prevention Code, Zoning Code or any applicable law, ordinance or rule are discovered, and those violations affect the structure's substantial compliance with the applicable law, ordinance or rule, an existing certificate of occupancy may, at the discretion of the Commissioner or Director, be declared null and void. If such declaration is made, the Commissioner or Director may order occupants of the building to vacate the building through notification to the owner(s) and the occupants of the property, in writing, in the same manner as the service of a notice and order, as set forth in § 52-6 of the Municipal Code, unless an emergency exists in which case an immediate vacate may be ordered.

f. Section 90-16, Certificates of occupancy, is hereby amended by relettering subsection J as subsection N.

Section 2. This ordinance shall take effect on May 1, 2013.

Held in Committee.

Introductory No. 134

AMENDING ARTICLE III, LEAD-BASED PAINT POISONING PREVENTION, OF CHAPTER 90 OF THE MUNICIPAL CODE, PROPERTY CODE

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

Section 1. Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further amended as follows:

(a) Section 90-52, Definitions, is amended by adding or amending the following definitions to read as follows, and by repealing the definition of Soil Lead Hazard, with the definitions not amended or repealed herein retained as currently found in the Section:

CERTIFIED - Licensed or certified to perform such activities as risk assessment, lead-based paint inspection, lead dust wipe tests or abatement supervision by the United States Environmental Protection Agency (EPA) in accordance with 40 CFR Part 745, Subpart L. Any individual who has been licensed or certified by EPA will be approved as certified by the City for the purpose of performing such licensed activities, provided that such approvals are subject to suspension or revocation after a finding of non-responsibility by the Director pursuant to §90-57(I).

CERTIFIED LEAD-BASED PAINT IN-

SPECTOR - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, and certified by EPA pursuant to 40 CFR 745.226 to conduct lead-based paint inspections, whose approval to conduct such inspections in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I). A certified lead-based paint inspector also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CERTIFIED LEAD DUST WIPE TECHNICIAN - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, and certified by EPA pursuant to 40 CFR 745.226 to conduct lead dust wipe tests, whose approval to conduct such dust wipe tests in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I).

CERTIFIED RISK ASSESSOR - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, and certified by EPA pursuant to 40 CFR 745.226 to conduct risk assessments, whose approval to conduct such risk assessments in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I). A certified risk assessor also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CHEWABLE SURFACE - An interior or exterior accessible painted surface that a young child can mouth or chew. Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

DUST-LEAD HAZARD - Surface dust that contains a dust-lead loading (area concentration of lead) at or exceeding the levels listed in §90-57D.

DWELLING UNIT -

- A. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; or
- B. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower; or
- C. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or

living, but not for cooking purposes.

For the purposes of this definition, a basement or attic that is accessible from inside a dwelling unit is considered to be part of the dwelling unit. Common areas and basements and/or attics that are only accessible through a common area or from the exterior of the property are not considered to be part of the dwelling unit.

INTERIM CONTROLS - A set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment and specialized cleaning.

LEAD SAMPLING TECHNICIAN - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, to conduct lead dust wipe tests, whose approval to conduct such dust wipe tests in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I).

RENOVATION REPAIR & PAINTING RULE (RRP) CERTIFICATION - EPA required certification for all home improvements contractors, property management firms, handymen or others compensated for renovation work that disturbs more than six square feet of interior and/or twenty square feet of exterior paint or surface coating in pre-1978 residential housing and child occupied facilities. This EPA requirement also applies to landlords working on rental properties. The individual must complete training, use safe work practices and verify that the work area is clean after completion of renovations.

VISUAL ASSESSMENT - A visual examination of all surfaces within the dwelling unit, including any basement and/or attic as per the definition of a dwelling unit. A visual assessment shall not be considered to be complete if the examining individual is locked out or otherwise prevented from inspecting any room or space within the dwelling unit. For the purpose of determining whether or not a deteriorated paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that faces the interior, all exterior facing portions of the window component, with the exception of the exterior frame or trim, is considered to be interior.

WIPE SAMPLE - A sample collected by wiping a representative surface of known area, as determined by §90-57, with an acceptable wipe material as defined in ASTM E 1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."

(b) Section 90-54, Violations, is amended by amending subsections A and D to read in their entirety as follows:

- A. Deteriorated paint violation. The interior and exterior of any residential building on which the original construction was completed prior to January 1, 1978, and the exterior of any nonresidential structure on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint thereon does not become deteriorated paint, unless the deteriorated paint surfaces total no more than:
- (1) Twenty square feet on exterior surfaces;
 - (2) Two square feet in any one interior room or space; or
 - (3) Ten percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

For the purpose of determining whether or not a deteriorated paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that face the interior, all exterior facing portions of the window component, with the exception of the exterior frame or trim, is considered to be interior.

- D. Dust sample violation. A dust sample violation shall be cited upon a failure by an owner of a property to timely cause dust samples to be taken and certified test results to be submitted to the Department in accordance with the procedures set forth in § 90-55 and § 90-57 of this article.

(c) Section 90-55, Inspections for violations, is amended to read in its entirety as follows:

Section 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 interior 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 § 90-57(B) to determine whether a dust-lead hazard exists. For the purpose of determining whether or not a

deteriorated paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that face the interior, all exterior facing portions of the window component, with the exception of the exterior frame or trim, is considered to be interior. The owner shall be given 60 days to cause the dust samples to be taken and to submit all certified test results to the Department. 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. 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.

(d) Section 90-56, Remedy for violations, is amended by amending subsection B to read as follows, and by repealing subsection C and by relettering subsection D as subsection C to read as follows:

- B. Certification by a lead-based paint inspector or risk assessor that all cited violations of § 90-54, Violations, have been abated, or interim controls implemented, and clearance has been achieved in accordance with standards found in § 90-57; provided, however, that the property has been inspected pursuant to those standards since the deteriorated paint or dust-lead hazard violation was last cited, including a full visual assessment.
- C. Where exterior deteriorated paint violations, including deteriorated paint violations on an open porch, and/or bare soil violations are cited, or where interior deteriorated paint violations are cited in a common area, as per the definition of a dwelling unit, clearance may be established through a visual assessment by a City inspector after reduction measures have been implemented.

(e) Section 90-57, Standards for clearance examination and report, is amended to read in its entirety as follows:

Section 90-57. Standards for clearance examination and report.

The remedy available through § 90-56B and the dust sampling required by §90-55 shall require the following certification of clearance standards:

A. Qualified personnel. Certification of clearance shall be issued by:

- (1) A certified risk assessor; or
- (2) A certified lead-based paint inspector.

B. Required activities.

(1) An examination shall include a full visual assessment, dust sampling, submission of samples for analysis for lead, interpretation of sampling results, and preparation of a report. Examinations shall be performed in all dwelling units in accordance with this section.

(2) A full visual assessment of every area of the subject dwelling unit shall be performed to determine if deteriorated paint and/or visible amounts of dust, debris, paint chips or other residue are present. Interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint and visible dust, debris, paint chips or residue are present, they must be eliminated prior to the continuation of the clearance examination.

(3) Dust samples shall be wipe samples and shall be taken on floors, excluding open porches, and interior windowsills and window troughs that have a paint history. Dust samples shall be collected and analyzed in accordance with this section.

(a) Dust samples shall be taken from each of no more than four rooms. The selection of rooms to be tested, where applicable, shall include no less than one bedroom and the living room. At least one wipe sample shall be taken from a window trough or a window sill with a paint history, if present, and one from a floor in each room. Where there are less than four rooms, then all rooms shall be sampled.

(b) Dust samples shall be collected by persons authorized and/or certified by EPA as a lead inspector, risk assessor, dust wipe technician, or lead sampling technician whose approval to conduct such dust wipe tests in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §

90-57(I).

- (c) The method for collecting dust samples shall include:

[1] Laying out the sample area by using a template or tape to outline the area;

[2] Label each tube with its own identification number to be recorded on the sample collection form;

[3] Put on clean gloves before taking each sample, do not touch anything other than the wipe after putting on the gloves;

[4] Use an unused wipe to sample the entire area inside the template or tape as follows:

[a] Starting in the upper corner of the sample area, use a side to side motion, wiping the entire area, pressing firmly with your fingers;

[b] Fold the wipe sample in half, dirty side in;

[c] With the clean side of the sample and starting at the upper corner, use a top to bottom motion, wiping the entire area, pressing firmly with your fingers;

[d] Fold the wipe sample in half again, dirty side in;

[e] With the clean side of the sample, wipe around the entire perimeter, cleaning the corners, fold the sample; and

[f] Place the folded wipe sample in the tube.

[5] Write down the measurements of the sample area on the collection form;

[6] Clean the sampling equipment after each wipe sample is taken;

[7] Forward wipe samples to an authorized laboratory.

(d) Dust samples shall be analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analysis for lead compounds in dust samples.

- C. Report. The clearance examiner shall ensure that an examination report is prepared that provides documentation of the examination.

(1) The report shall include the following information:

(a) The address of the residential property and, if only part of a multifamily property is affected, the specific dwelling units and common areas affected;

(b) The date(s) of the examination;

(c) The name, address, and signature of each person performing the examination, including their EPA certification number;

(d) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;

(e) The results of the analysis of dust samples, in ug per square foot, by location of sample; and

(f) The name and address of each laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under Section 405(b) of the Toxic Substances Control Act (15 U.S.C. § 2685(b)).

- D. Clearance standards. Where dust sampling is required by § 90-55 or where an interior deteriorated paint or dust-lead hazard violation has been cited in a dwelling unit, the following dust-lead standards shall be met before a Certificate of Occupancy may be issued or a violation removed.

(1) Dust sample results shall be less than:

(a) 40 ug/ft² for floors;

(b) 250 ug/ft² for window sills; and

- (c) 400 ug/ft² for window troughs.
- (2) Where dust sample results are greater than or equal to the levels above, additional dust wipe samples shall be taken in the subject areas until all said areas are found to be below the listed thresholds.
- E. Validity of wipe test results. For the purposes of meeting the requirement in § 90-55, the results of all successful wipe tests shall be valid for a period of three (3) years, unless a subsequent inspection of the dwelling unit identifies an interior deteriorated paint violation, which would immediately cause the previous wipe tests results to be invalid.
- F. Requirement to avoid conflict of interest regarding clearance inspection. All examinations shall be performed by persons or entities independent of those performing hazard reduction or maintenance activities.
- G. This section shall not apply to the situations set forth in § 90-56C.
- H. As part of the Department's efforts to ensure consistency and compliance with the required clearance standards, random audits will be performed on all third party lead clearance providers. Non-random audits may also be performed based on a reasonable suspicion that a third party lead clearance provider is not providing proper tests, including, but not limited to, complaints received about the provider or about a specific property inspected by the provider. If the results indicate non-compliance with these standards, the Director may take whatever action is necessary as set forth in subsection I of this section.
- I. Rejection of clearance examination report/nonresponsibility of issuer.
- (1) The Director of Inspection and Compliance Services, or the Director's designee, is authorized to reject a lead clearance examination report that does not meet the requirements set forth herein, or that is found after an inspection to not substantially represent the conditions present at the premises for which the report was prepared. The reasons for the rejection shall be set forth in writing to the issuer of the report and to the owner of the property to which the report pertains.
- (2) No lead clearance examination report shall be accepted from an issuer who does not meet the qualifications set forth herein or who has been found by the Director or the Director's designee to be non-responsible.
- (3) The Director shall inform an issuer in writing of a nonresponsibility determination and the reasons therefor.
- (4) Upon making a nonresponsibility determination, the Director may bar the issuer and affiliated organizations, as further set forth herein, from submitting lead clearance reports to the City for a period of not to exceed three years. If a corporation is found to be a nonresponsible issuer, that finding may be applied to a parent, affiliate or subsidiary corporation, if the Director finds that an officer, director or person directly or indirectly controlling 10% or more of the stock of the corporation found to be nonresponsible is an officer, director or person directly or indirectly controlling 10% or more of the stock of the parent, affiliate or subsidiary corporation. If an unincorporated association is found to be nonresponsible, that finding may be extended to other related associations upon a finding by the Director that the related associations have substantially the same ownership, management or operating personnel.
- (5) Guidelines for nonresponsibility determinations. In determining the nonresponsibility of an issuer, the Director shall consider:
- (a) The record of performance of the issuer, including but not limited to lack of adequate expertise, prior experience with lead clearance examinations or lack of ability to perform the clearances in a timely, competent and acceptable manner. Evidence of such a lack of ability to perform may include, but shall not be limited to, evidence of suspension or revocation for cause of any professional license of any director or officer, or any holder of 5% or more of the issuer's stock or equity; suspension or debarment by the state or federal government; or a history of lead clearance examinations that do not meet federal, state or City requirements.

- (b) The record of integrity of the issuer.
 - (c) The availability to the issuer of the necessary organization, experience, operational controls and technical skills, and the necessary technical equipment and facilities required for performance of the clearance examinations.
 - (d) The compliance by the issuer with any special or general standards of responsibility.
 - (e) The compliance by the issuer with standards which may be established by the Director pursuant to rule or regulation.
 - (f) Criminal conduct in connection with lead clearance examinations, government contracts or business activities. Evidence of such conduct may include a judgment of conviction or information obtained as a result of a formal grant of immunity in connection with a criminal prosecution of the issuer, any director or officer, or holder of 5% or more of the shares or equity of the issuer or any affiliate of the issuer.
 - (g) Violations of the Labor Law.
 - (h) Violations of the Environmental Conservation Law or other federal or state environmental statutes or regulations.
 - (i) Any other cause of so serious or compelling a nature that it raises questions about the responsibility of a issuer, including, but not limited to, submission to the City of a false or misleading statement in connection with a lead clearance examination.
 - (j) In addition to the factors specified above, the Director may also give due consideration to any other factors considered to bear upon issuer responsibility, including but not limited to, any mitigating factors brought to the City's attention by the issuer.
- (6) The Director may develop rules and regulations to implement these guidelines, and may request a sworn statement of issuer qualifications to gather the necessary information set forth herein. The Director may use the information contained in the response to the sworn statement in making a determination of issuer non-responsibility.
- (7) A nonresponsibility determination by the Director may be appealed by the issuer to the Commissioner by delivery to the Commissioner of a written notice of appeal within 10 days after receipt of the determination of the Director. The Commissioner shall offer the issuer an opportunity to be heard, at which the Commissioner or the Commissioner's designee shall preside. Such hearing shall be scheduled as soon as possible after a request. The issuer shall be permitted to be represented by counsel, to submit evidence and summon witnesses on his or her behalf and to inspect documents and cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. The hearing officer, if other than the Commissioner, shall make a recommendation to the Commissioner. The Commissioner shall make the final determination in writing, based upon evidence produced at the hearing. In the final determination, the Commissioner may accept, reject or modify the determination and/or penalty imposed by the Director. The determination of the Commissioner shall be the final determination of the City and shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.
- (f) Section 90-58, Lead-safe hazard reduction and control, is amended by amending subsection A to read in its entirety as follows:
 - A. No person shall disturb or remove lead-based paint, or in any other way generate excessive dust or debris during work on the interior or exterior of any existing building or structure except in accordance with the requirements of this section and § 90-59 and 90-60. If the necessary paint stabilization work involves disturbing more than six square feet of interior painted surfaces or more than twenty square feet of exterior painted surfaces in a residential building or child occupied facility, the work must be performed by someone who possesses an EPA RRP Certification.
 - (g) Section 90-59, Occupant protection; worksite preparation, is amended by amending subsection B(2) to read in its entirety as follows:
 - (2) A warning sign, as defined in § 90-58C(1),

shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated. Each warning sign shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language.

Section 2. This ordinance shall take effect on May 1, 2013.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-96
Re: Zoning Map Amendment -
435 Westfall Road

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 435 Westfall Road from R-3/O-O (High Density Residential with Office Overlay) to R-3/O-B (High Density Residential with Overlay Boutique).

The owner of 435 Westfall Road initiated the request to rezone to allow for the conversion of an existing barn building on the property to a coffee shop, a use not currently permitted within an Office Overlay District. Given the unique location of this property, changing the zoning to Overlay Boutique to allow for the proposed use seems reasonable.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, March 18, 2013. One person spoke in support of the rezoning; no one spoke in opposition. By a vote of 4-0-0, the Planning Commission recommended approval.

The rezoning would take effect immediately upon Council approval.

A public hearing on the rezoning is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-55

Ordinance No. 2013-96
(Int. No. 108)

Changing The Zoning Classification Of 435 Westfall Road From R-3/O-O High Density Residential/Office Overlay To R-3/O-B High Density Residential/Overlay Boutique

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of

the following parcel, constituting 435 Westfall Road, from R-3/O-O High Density Residential/Office Overlay to R-3/O-B High Density Residential/Overlay Boutique:

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 63, Township 13, Range 7 and being more particularly bounded and described as follows: Beginning at a point on the centerline of Westfall Road (49.5' ROW) at the northwest corner of lands conveyed to South Wedge, Inc. by a deed filed in Liber 9748 of Deeds, Page 431, said point being the Point or Place of Beginning; thence

- 1) N 86° 44' 42" E, along said centerline of Westfall Road, a distance of 210.17 feet to the northeast corner of said lands of South Wedge, Inc.; thence
- 2) S 12° 17' 49" W, along the east line of said lands of South Wedge, Inc., a distance of 181.39 feet to the southeast corner thereof and the City of Rochester/ Town of Brighton corporate limits; thence
- 3) S 86° 44' 42" W, along the south line of said lands of South Wedge, Inc. and the City/Town corporate limits, a distance of 210.17 feet to the southwest corner thereof; thence
- 4) N 12° 17' 49" E, along the west line of said lands of South Wedge, Inc., a distance of 181.39 feet to the said northwest corner thereof and the said centerline of Westfall Road, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1666
Re: East Avenue/Alexander Street
Entertainment District

Transmitted herewith for your approval is legislation reauthorizing the district and establishing the amount of \$20,530 for special assessments for the East Avenue/Alexander Street Entertainment District.

This assessment provides for additional trash removal on Saturday and Sunday, from 3:00 to 5:00 am, from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the district that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots who profit from the patrons).

In 2013-14, the fixed fee for additional street cleaning services is determined by type of establishment

and square footage as agreed upon by the entertainment establishments and property owners in the district.

All affected properties have been examined and any change in use is reflected in the attached list of subject properties. The operating assessment is apportioned among properties based on type and function of their use, using the following schedule:

Code	Use	Annual Charge
1	Parking lot under 2500 Sq Ft	\$217
2	Parking Lot 2500-4999 Sq Ft	\$422
3	Parking Lot 5000-9999 Sq Ft	\$627
4	Parking Lot 10000 Sq Ft or more	\$855
5	Small Sit down Restaurant	\$217
6	Take out Restaurant/Smaller Bar	\$422
7	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,
 Thomas S. Richards
 Mayor

Attachment No. AM-56

Local Improvement Ordinance No. 1666
 (Int. No. 109, As Amended)

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 2013.

Section 2. The limits of the District of Assessment for the additional street cleaning shall be the following properties, which constitute parking lots and parcels within the East Avenue/Alexander Street Entertainment District that contain uses that generate the need for additional street cleaning services on weekends:

SBL #	Property Address	Code
	Owner Name	
121.33-1-11	7 Ryan Alley	1
	VBS of Rochester Inc.	
121.26-1-63	16 Lawrence St	2
	Whiting Chauncey L Jr	
121.26-1-64	14 Lawrence St	2
	Whiting Chauncey L Jr	

121.34-1-31	285 Alexander St	2
	277 Alexander LLC	
121.33-1-12	22 Anson Pl	3
	277 Alexander LLC	
121.33-1-13	24 Anson Pl	3
	277 Alexander LLC	
121.33-1-14	277 Alexander St	5
	277 Alexander LLC	
121.33-1-14	277 Alexander St	6
	277 Alexander LLC	
121.34-1-36	297 Alexander St	3
	333 East LLC	
121.34-1-34	293 Alexander St	7
	Pyrzczak Linda M William A.	
121.25-1-48	7 Lawrence St	7
	Apub Inc	
121.26-1-62	18 Lawrence St	2
	Apub Inc	
121.34-1-32	289 Alexander St	1
	Rochester East End Properties	
121.25-1-47	330 East Av	5
	LLD LDD Enterprises Inc	
121.25-1-45	320 East Av	5
	LLD LDD Enterprises Inc	
121.34-1-35	295 Alexander St	6
	295 Alexander St LLC	
121.34-1-30.001	282 Alexander St	5
	282 Alexander LLC	
121.34-1-33	291 Alexander St	7
	Davis Ronald A & Cowden Tabor	
121.26-1-41	336-340 East Av	7
	RRB Properties LLC	
121.26-1-41	336-340 East Av	6
	RRB Properties LLC	
121.26-1-41	336-340 East Av	7
	RRB Properties LLC	
121.26-1-45	315 Alexander St	6
	364-370 East Av	
	The Fitch Building LLC	
121.26-1-45	315 Alexander St	7
	364-370 East Av	
	The Fitch Building LLC	
121.26-1-44	360 East Av	7
	The Fitch Building LLC	
121.26-1-58.002	28.5 Lawrence St	1
	The Fitch Building LLC	
121.26-1-59	26 Lawrence St	2
	The Fitch Building LLC	
121.26-1-39	355-365 East Av	7
	339 East Avenue LLC	
121.26-1-39	355-365 East Av	7
	339 East Avenue LLC	
121.34-1-38	301 Alexander St	4
	339 East Avenue LLC	
121.26-1-38	384 East Av	4
	Chen Teh Huiy & Shue Que	
121.26-1-40	1 Ryan Alley	7
	333-351 East Av	
	333 East LLC	
121.26-1-40	341 Alexander St	6
	333-351 East Av	
	339 333 East LLC	
121.26-1-40	343 333-351 East Av	6
	333 East LLC	
121.26-1-40	349 333-351 East Av	7
	333 East LLC	

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:

	Code	Charge
Parking Lot Under 2500 Sq Ft	1	\$217
Parking Lot 2500-4999 Sq Ft	2	\$422
Parking Lot 5000-9999 Sq Ft	3	\$627
Parking Lot 10000 Sq Ft Or More	4	\$855
Small Sit Down Restaurant	5	\$217
Take Out 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 2013, shall be assessed and billed on the 2013-14 tax bill and shall be due in one installment. 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.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1667
Re: High Falls Business Improvement District

Transmitted herewith for your approval is legislation related to the High Falls Business Improvement District. This legislation will:

1. Authorize the continuation of the High Falls Business Improvement District (BID) as originally established via Local Law No. 1 (December 2003).
2. Approve the 2013-14 Budget totaling \$25,000 submitted by the High Falls BID Board.
3. Establish \$25,000 as the 2013-14 assessment for the District and authorizing the apportionment of the cost among the subject properties.
4. Authorize an agreement with High Falls BID for implementation of the services outlined in the District plan.

The amount of the annual levy is determined by the budget proposed by the BID. The amount assessed to an individual property is determined by its primary use, which is verified annually. Funds are used for additional clean-up, beautification, landscaping, marketing, advertising, and promotional materials. Funds have also been used for special purposes such as historic signage and a lunchtime summer concert series in conjunction

with the Hochstein School.

Under consideration for future funding are re-lighting Upper Falls, and relocating the historic Mosley-Motley Mill Wheel to Granite Mills Park.

The High Falls District Plan outlines a description of the BID boundaries, and the assessment formula used to determine each building owner share. The District Plan is on file in the City Clerk's office.

A public hearing on the assessment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-57

Local Improvement Ordinance No. 1667
(Int. No. 135)

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 Council hereby approves the continuation of the High Falls Business Improvement District. The 2013-14 budget 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. The Mayor is hereby authorized to enter into an agreement with the High Falls Business Improvement District Management Association, Inc. for implementation of the services outlined in the District Plan.

Section 2. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1668
Re: South Avenue/Alexander Street Open Space District

Transmitted herewith for your approval is legislation establishing \$6,500 as the 2013-14 Budget for maintenance of the South Avenue/Alexander Street Open Space District, and apportioning this assessment to the subject properties.

This assessment provides for maintenance of the landscaped open space at 62 Alexander Street including cutting grass, trimming shrubs, watering, weeding, trash pick-up and removal, lighting, and fall leaf clean-up. The cost for these services is based on estimates provided by the Business Association of the South Wedge Area, which is responsible for providing the services.

The district includes 251 properties on Alexander,

Averill, Comfort, Hamilton, Stebbins, Walton, and Van Streets, and Mt. Hope, South, and South Clinton Avenues. The rate for the 178 Outer Tier properties will be approximately half of the rate assessed to the 73 Inner Tier properties.

As of March 27, 2013, the balance of unused assessments stood at \$3,859.58 (\$929.58 from LIO 1623 and \$2,930 from LIO 1639; it is anticipated that these funds will be exhausted as of June 30, 2013.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-1668
(Int. No. 137, As Amended)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District

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

Section 1. The cost of the special work and services for the 2013-14 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, of which amount \$2,641 shall be assessed and billed on the 2013-14 tax bill in accordance with Local Improvement Ordinance No. 1537 and \$3,859 shall be funded from unused assessments from prior years. The rate for the Outer Tier parcels shall be approximately 50% of the rate for the Inner Tier parcels, as determined by the City Treasurer. 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 2. The Council further designates the Business Association of the South Wedge Area to perform the special work and services and the Mayor is authorized to enter into an agreement with the Association for this purpose.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$6,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein.

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

Section 5. This ordinance shall take effect on July 1, 2013.

Underlined material added.

Passed unanimously.

By Councilmember Scott
April 16, 2013

To the Council:

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

Int. No. 110 - Appropriating Funds And Authorizing An Agreement For The Two Bridge Preventive Maintenance Project And Amending Ordinance No. 2012-255

Int. No. 111 - Establishing Maximum Compensation For A Professional Services Agreement For Firehouse Generator Installations

Int. No. 112 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$399,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Pool And Ice Rink Building Interior Upgrades Project In The City

Int. No. 113 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Pool And Ice Rink Building Interior Upgrades Project

Int. No. 114 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$544,000 Bonds Of Said City To Finance The Cost Of Repairs To The City's Hemlock Water Filtration Plant

Int. No. 125 - Establishing Maximum Compensation For A Professional Services Agreement For The La Avenida Phase II Improvements Project

Int. No. 128 - Authorizing Agreements For Materials Testing Services

Int. No. 136 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Midtown Redevelopment Project, Amending The 2012-13 Budget And Appropriating Funds, As Amended

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

Int. No. 115 - Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2013

Int. No. 116 - Authorizing An Agreement And Appropriating Funds For The Arnold Park Monuments

Int. No. 117 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 118 - Continuation Of Local Improvement Ordinance No. 1412 Relating To The Monroe Avenue II Street Lighting District

Int. No. 119 - Continuation Of Local Improvement Ordinance No. 1413 Relating To The Monroe Avenue I Street Lighting District

Int. No. 120 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 121 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Respectfully submitted,
Loretta C. Scott
Matt Haag
Elaine M. Spaul
Lovely A. Warren (Did not vote on Int. Nos. 110 through 121)
Dana K. Miller
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-97
Re: Agreement - LaBella Associates PC,
New York State Department of
Transportation Two Bridge Preventive
Maintenance Project

Transmitted herewith for your approval is legislation related to the Two Bridge Preventive Maintenance Project. This legislation will:

1. Authorize the receipt and use of \$419,200 and \$87,900 in anticipated reimbursements from the Federal Highway Administration (FHWA), and the New York State Department of Transportation (Marchiselli Aid Program), respectively, to finance the portions of the project.
2. Establish \$45,000 as maximum compensation for an agreement with LaBella Associates for resident project representation (RPR) and construction phase design services for the project. The cost of the agreement will be funded as follows: \$36,000 and \$6,750 from FHWA and Marchiselli reimbursements, respectively; and \$2,250 from 2012-13 Cash Capital.
3. Amend Ordinance No. 2012-255 to modify the source of a portion of funds authorized therein. The ordinance established \$60,000 for an agreement with LaBella for design services; \$12,000 of that amount was to be funded from 2012-13 Cash Capital. This amendment will reduce that amount to \$3,000; the remaining \$9,000 will be funded from the Marchiselli aid appropriated herein.

The Two Bridge Preventive Maintenance Project includes maintenance related repairs to the Court Street Bridge over the Genesee River and the East Main Street Bridge over the CSX Tracks. Project

participation and design services were authorized on June 19, 2012 (Ordinance 2012-255).

Bridge improvements will include minor deck and pier repairs, painting, joint replacements, bearing replacements, and curb repairs. Recent bridge inspections indicate specific bridge elements have reached a point of deterioration where preventive maintenance activities are warranted to prolong the life of the structure. The estimated total project cost is \$586,000.

LaBella was selected from the NYSDOT pre-approved list of regional engineering firms through a process described in the attached summary.

Construction is anticipated to begin in the spring of 2013, with scheduled completion of late fall 2013. The project's construction will result in the creation/retention of the equivalent of 5.7 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-58

Ordinance No. 2013-97
(Int. No. 110)

Appropriating Funds And Authorizing An Agreement For The Two Bridge Preventive Maintenance Project And Amending Ordinance No. 2012-255

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

Section 1. The sum of \$419,200 is hereby appropriated from funds to be received from the Federal Highway Administration to fund the Two Bridge Preventive Maintenance Project.

Section 2. The sum of \$87,900 is hereby appropriated from funds to be received from the New York State Department of Transportation Marchiselli Aid Program to fund the Two Bridge Preventive Maintenance Project.

Section 3. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for resident project representation and construction phase design services for the Two Bridge Preventive Maintenance Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$36,000 shall be funded from the funds appropriated in Section 1, \$6,750 shall be funded from the funds appropriated in Section 2 and \$2,250 shall be funded from the 2012-13 Cash Capital allocation.

Section 4. Ordinance No. 2012-255, relating to the Two Bridge Preventive Maintenance Project, is hereby amended by reducing the funding for the Agreement with LaBella Associates, P.C. in Sec-

tion 5 from the 2012-13 Cash Capital allocation by the sum of \$9,000, which amount shall be funded from the appropriation in Section 2.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-98
Re: Agreement - Stantec, Firehouse Emergency Standby Generator Installations

Transmitted herewith for your approval is legislation establishing \$105,000 as maximum compensation for an agreement with Stantec, 61 Commercial Street, Rochester, NY 14614 for engineering and architectural services for required for the installation of emergency standby generators. The cost of the agreement will be financed from the bonds previously authorized for this purpose (Ordinance No. 2012-452) as part of the Capital Project Acceleration Initiative.

Generators will be installed at the following five locations:

- Engine 7 Firehouse
873 Genesee Street
- Engine 12 Firehouse
160 Wisconsin Street
- Engine 5 Firehouse
450 Lyell Avenue
- Engine 10 Firehouse
1477 Dewey Avenue
- Engine 1/Truck 1 Firehouse
315 Monroe Avenue

The Consultant will provide full architectural and engineering services including analysis and existing report review and verification of the program, schematic design and design development, construction documents, bidding phase services, construction phase services and commissioning services.

Stantec was selected through a request for proposal process described in the attached summary.

Design will begin in spring 2013. It is anticipated that construction will begin in spring 2014 with completion in summer 2015. The professional services agreement will result in the creation of the equivalent 1.1 full time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-59

Ordinance No. 2013-98
(Int. No. 111)

Establishing Maximum Compensation For A Professional Services Agreement For Firehouse

Generator Installations

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

Section 1. The sum of \$105,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec for engineering and architectural design, bidding, construction phase and commissioning services for the installation of emergency standby generators at five firehouses. 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. 2012-452.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-99 and
Ordinance No. 2013-100
Re: Agreement - T.Y. Lin International Company, Genesee Valley Park Pool And Ice Rink Building Interior Upgrades

Transmitted herewith for your approval is legislation related to upgrades to the interior of the Genesee Valley Park pool and ice rink building. This legislation will:

1. Authorize the issuance of bonds in the amount of \$399,000 and the appropriation of the proceeds thereof to fund the project.
2. Establish \$35,000 as maximum compensation for an agreement with T.Y. Lin International for architectural and engineering services for the project. The cost of the agreement will be financed from the bonds appropriated herein.

The project includes partial interior upgrades to the service area of the building. The consultant will provide program development, design development, contract documents, bidding phase services, and construction administration services.

T.Y. Lin International Company was selected through a request for proposal process described in the attached summary.

Consultant phase services will begin in spring 2013. It is anticipated that construction will begin in spring 2014 with scheduled completion in fall 2014. The project will result in the creation/retention of the equivalent of 4.3 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-60

Ordinance No. 2013-99
(Int. No. 112)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$399,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Pool And Ice Rink Building Interior Upgrades Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the design and construction of repairs to the Genesee Valley Park Pool and Ice Rink Building as part of its Interior Upgrades Project, including but not limited to renovations to the service area of the building, shower room reconfiguration and flooring improvements, in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$399,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$399,000 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 \$399,000 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 \$399,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limita-

tion 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. 2013-100
(Int. No. 113)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Pool And Ice Rink Building

Interior Upgrades Project

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and T.Y. Lin International for engineering and architectural services for the Genesee Valley Park Pool and Ice Rink Building Interior Upgrades Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-101
Re: Hemlock Water Treatment Plant
Roof Replacement

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$544,000 and the appropriation of the proceeds thereof to finance the construction of the roof replacement at the Hemlock Water Treatment Plant.

The present roof is at the end of its useful life and has persistent leaks in the membrane and parapets. This project includes a full tear-off of the existing roof system, and replacement with a new multi-ply roof system with a 25 year roof system warranty. The design of this project was completed by Department of Environmental Services/Architecture and Engineering Bureau staff.

Bids for construction were received on March 26, 2013. The apparent low bid of \$464,500 was submitted by Leo J Roth Corp., which is 14% less than the architect's estimate. An additional \$79,500 will be allocated for project contingencies.

The anticipated construction will begin in summer 2013 with completion in fall 2013. The construction will result in the creation or retention of the equivalent of 5.9 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-101
(Int. No. 114)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$544,000 Bonds Of Said City To Finance The Cost Of Repairs To The City's Hemlock Water Filtration Plant

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of implementing repairs to the City's Hemlock Water Filtration Plant, located at 7412 Rix Hill Road, Hemlock, New York 14466, including replacement of the roof (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 \$544,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$544,000 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 \$544,000 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 \$544,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authori-

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-102
Re: Agreement - Bergmann Associates,
La Avenida Phase II Improvements
Design

Transmitted herewith for your approval is legislation establishing \$195,000 as maximum compensation for an agreement with Bergmann Associates for design services for La Avenida Phase II Improvements. The cost of the agreement will be financed from bonds previously authorized for this purpose (Ordinance No. 2012-448) as part of the Capital Project Acceleration Initiative.

The project includes the design and construction of streetscape treatments for N. Clinton Avenue (Avenue D to Norton Street) to match the previously

completed Phase I improvements. The consultant will provide preliminary and final design, bid and award, and construction phase design services for the project.

Bergmann was selected through a request for proposal process described in the attached summary.

Project design will begin in spring 2013; it is anticipated that construction will begin in fall 2013 with scheduled completion in spring 2014. The design agreement will result in the creation/retention of the equivalent of 2.1 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-61

Ordinance No. 2013-102
(Int. No. 125)

Establishing Maximum Compensation For A Professional Services Agreement For The La Avenida Phase II Improvements Project

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

Section 1. The sum of \$195,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for design services for the La Avenida Phase II Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 2012-448.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-103
Re: Agreements - Materials Testing

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of various services related to the testing and analysis of various construction materials:

<u>Company</u>	<u>Address</u>
AECC Environmental Consulting	Rochester 14604
Atlantic Testing Laboratories	Rochester 14623
Barton & Loguidice, P.C.	Rochester 14614
CME Associates	Rochester 14606

Keystone Material Testing
 Binghamton NY
 LaBella Associates, P.C.
 Rochester 14614
 Lozier Environmental Consulting, Inc.
 Rochester 14609
 Paradigm Environmental Services, Inc.
 Rochester 14609
 ROC Geotechnical
 Rochester 14623
 Safe Zone Environmental, LLC
 Penfield NY
 SJB Services, Inc.
 Rochester 14638
 UNYSE Environmental Consultants
 Rochester 14624

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.

Testing services include sampling and testing of soils, asbestos, asphalt, concrete, masonry, structural steel and road base materials and exploratory drilling. Such tests are routinely required by the Bureau of Architecture and Engineering for street, bridge, and building renovation projects.

Each of the previous agreements for testing services, authorized in April 2011, had an initial term of one year with provision for a one-year renewal. In anticipation of the expiration of these agreements, a request for proposal was issued on March 2013. The process is described in the attached summary.

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,
 Thomas S. Richards
 Mayor

Attachment No. AM-62

Ordinance No. 2013-103
 (Int. No. 128)

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>
AECC Environmental Consulting	Rochester 14604
Atlantic Testing Laboratories	3495 Winton Place, Rochester 14623
Barton & Loguidice, P.C.	Rochester 14614
CME Associates	Rochester 14606
Keystone Material Testing	58 Exchange St., Binghamton 13901
LaBella Associates, P.C.	Rochester 14614
Lozier Environmental Consulting, Inc.	Rochester 14609
Paradigm Environmental Services, Inc.	Rochester 14609
ROC Geotechnical	3445 Winton Pl., Rochester 14623
Safe Zone Environmental, LLC	39 Valley View Dr., Penfield 14526
SJB Services, Inc.	Rochester 14638
UNYSE Environmental Consultants	300 Airpark Dr., Rochester 14624

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.

Councilmember Scott moved to amend Int. No. 136.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-104
 Re: Midtown Redevelopment Project

Transmitted herewith for your approval is legislation related to the Midtown Redevelopment Project. This legislation will:

1. Amend the 2012-13 Budget by transferring:
 - a. \$782,000 from Contingency to Cash Capital (Department of Environmental Services) to cover contingencies for the garage construction contract.
 - b. \$75,000 from Undistributed (Effectiveness and Efficiency allocation) to Cash Capital (Department of Environmental Services) to partially fund the amendatory agreement proposed herein.
2. Appropriate \$216,735 in anticipated reimbursements from the Rochester Pure Waters District (RPWD) to fund eligible portions of the sewer costs in accordance with the agreement authorized by Ord. No. 2010-438.
3. Appropriate \$420,000 in anticipated reimbursements from New York State Marchiselli aid for a portion of the professional design services.
4. Authorize an amendatory agreement with LaBella Associates for additional services listed below. Ordinance No. 2010-19 authorized maximum compensation of \$950,000 for preliminary design of the project; Ordinance No. 2011-149 authorized an additional \$2,085,000. The present amendment will increase compensation by \$575,000 for a total of \$3,610,000. The additional cost will be financed as follows:

NYS Marchiselli Aid appropriated herein	\$420,000
Prior years' Cash Capital	18,790
Bond Ord. No. 2013-53	61,210
2012-13 Cash Capital	<u>75,000</u>
	\$575,000

The estimated construction cost (including contingency and resident project representation services) and proposed start of construction for each of the contracts are as follows:

Contract

	<u>Start of Construction</u>	<u>Estimated Construction Cost</u>
1. Truck & Pedestrian Service Tunnel	Second Quarter 2012	\$ 7.8 Million
2. Parking Garage Modifications	First Quarter 2013	14.0 Million
3. New Streets And Public Utilities	Second Quarter 2013	9.7 Million
4. Garage Entrance And East Plaza	Fourth Quarter 2013	2.5 Million
5. Cortland Street Pedestrian Corridor	Third Quarter 2014	0.7 Million
6. Add'l Tower Abatement & Wrapping	First Quarter 2013	<u>0.4 Million</u>
	Total	<u>\$35.1 Million</u>

Under the proposed amendatory agreement, LaBella Associates will provide:

- Additional monitoring/permitting of the abatement of residual asbestos-containing mate-

rials (ACM) throughout the Midtown tower.

- Supplemental design for the garage, including design of replacement of lighting, inclusion of revenue control in the public works contract, and additional ACM mitigation.
- Additional design for the truck tunnel, including evaluation of an alternate portal location and redesign of portions of the tunnel to match changes in design of the adjacent Windstream building.
- Design of the west open-space plaza, which originally was part of the PAETEC site and, therefore, not included in the original scope.
- Design of a garage entrance structure located in the vicinity of Euclid Street. This entrance structure was not part of the original plan but added later based upon public input.
- A Midtown and Eastside Parking Study to identify management and pricing strategies in anticipation of the Midtown Garage reopening and the acquisition of the East End garage.
- Supplemental services during the demolition phase of the Midtown Redevelopment Project.

The amendatory agreement will result in the creation or retention of the equivalent of 6.3 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-104
(Int. No. 136, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Midtown Redevelopment Project, Amending The 2012-13 Budget And Appropriating Funds

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

Section 1. The sum of \$575,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with LaBella Associates, P.C. for additional engineering and 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, \$420,000 is hereby appropriated from New York State Marchiselli Aid funds, \$18,790 shall be funded from the Cash Capital allocation from prior years, \$40,000 shall be funded from Bond Ordinance No. 2013-53, and \$75,000 shall be funded from the 2012-13 ~~Cash Capital allocation Budget for Undistributed Expense (Efficiency & Effectiveness).~~

Section 2. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$782,000 from the Contingency allocation and the sum of \$75,000 from Undistributed Expense to the Cash Capital allocation to fund the Midtown Redevelopment Project.

Section 3. The sum of \$216,735 is hereby appropriated from anticipated reimbursements from the Rochester Pure Waters District to fund a portion of the sewer costs for the Midtown Redevelopment Project.

Section 4. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1669
Re: Care and Embellishment of Street Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of nine street malls during 2013 and the assessment of the associated costs of \$29,133 among the benefitted properties. Street mall associations will be responsible for the maintenance of the malls. The malls and associated budgets are summarized below:

2013 Street Mall Assessments

Hazelwood Terrace	\$ 427
Highland Parkway	0
Hillside Avenue	1,250
Huntington Park	3,600
Lafayette Park	2,542
Nunda Boulevard	7,489
Oxford Street	10,720
Rundel Park	903
Sibley Place	<u>2,202</u>
Total	\$29,133

In 2012, the total authorized cost for maintenance of these malls by street or neighborhood associations was \$28,334. Sufficient funds remain for the maintenance of the Highland Parkway mall; no additional assessment is required for 2013.

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Funds are appropriated in the Care & Embellishment Fund.

A public hearing on these assessments is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Local Improvement Ordinance No. 1669
(Int. No. 115)

Local Improvement Ordinance - Care And Embellishment Of Street Malls For 2013

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

Section 1. It is hereby determined that for 2013 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:

Hazelwood Terrace	\$ 427
Highland Parkway	0
Hillside Avenue	1,250
Huntington Park	3,600
Lafayette Park	2,542
Nunda Boulevard	7,489
Oxford Street	10,720
Rundel Park	903
Sibley Place	<u>2,202</u>
Total	\$29,133

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, 2013.

Section 4. The total cost of such improvements and work, estimated at \$29,133, shall be charged as heretofore 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 the aforesaid purpose.

Section 5. It is hereby determined that it is impracticable to have the work described herein done by competitive contract. Therefore, contracts for the work described herein may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-105
Re: Arnold Park Monuments

Transmitted herewith for your approval is legislation authorizing an agreement with The Landmark

Society for the receipt and use of a grant in the amount of \$6,825 to cover a portion of the original cost of replacement of the monuments on Arnold Park.

Local Improvement Ordinance No.1496 (February 2002) established a special assessment district to finance a portion of the cost of replacing the monuments at the ends of Arnold Park. The total cost for design, construction, and installation was \$180,000. The Arnold Park Neighborhood Association provided a \$90,000 donation toward that amount; the remaining \$90,000 was financed through the LIO.

The Landmark Society grant will be used to pay down the remaining LIO principal balance to \$18,035.89, substantially reducing the remaining four annual installments, which would have been approximately \$8,300. The resulting amortization schedule for the remainder of the cost is summarized below:

Year	Principal Balance	Annual Payment	Principal	Interest
2013	\$18,035.89	\$5,118.27	\$4,167.78	\$950.49
2014	\$13,868.11	\$5,118.27	\$4,387.42	\$730.85
2015	\$9,480.69	\$5,118.27	\$4,618.64	\$499.63
2016	\$4,862.05	\$5,118.28	\$4,862.05	\$256.23

A public hearing is required for the related assessment

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2013-105
 (Int. No. 116)

Authorizing An Agreement And Appropriating Funds For The Arnold Park Monuments

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society for the receipt of funding for the Arnold Park Monuments.

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

Section 3. The sum of \$6,825 is hereby appropriated from funds to be received from the Landmark Society to reduce the outstanding balance in Local Improvement Ordinance No. 1496 for the Arnold Park Monument District.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Local Improvement Ordinance No. 1670,
 Local Improvement Ordinance No. 1671,
 Local Improvement Ordinance No. 1672 and
 Local Improvement Ordinance No. 1673

Re: Local Improvement Ordinance - Special Assessment Districts

Transmitted herewith for your approval is legislation renewing the Monroe I and Monroe II special assessment districts and establishing the 2013-14 budgets for those and ten other special assessment districts. Ten districts provide for street lighting enhancements, and two for streetscape enhancements. The districts and assessments are as follows:

Local Imp. Ord.	District	2013-14	2012-13	Variance	Capital/ Operating	Type
1547	Wilson Boulevard	\$624.08	\$650.02	\$-25.94	Operating	Street lighting
1502	Lyell Avenue I	\$2,633.58	\$2,590.91	\$42.67	Operating	Street lighting
1503	Lyell Avenue II	\$2,662.12	\$2,826.22	\$-164.10	Operating	Street lighting
1413	Monroe I	\$1,573.51	\$1,630.77	\$-57.26	Operating	Street lighting
1412	Monroe II	\$685.93	\$710.86	\$-24.93	Operating	Street lighting
1429	Cascade Historic	\$1,603.00	\$1,620.28	\$-17.28	Operating	Street lighting
1430	Cascade Historic	\$5,000.00	\$7,750.00	\$-2,750.00	Capital & Operating	Streetscape

1421	Norton Street URD	\$2,815.00	\$2,815.00	-0-	Capital & Operating	Streetscape
1422	Norton Street URD	\$1,479.93	\$1,523.89	\$ -43.96	Operating	Street lighting
1472	Lake Avenue	\$4,424.92	\$4,577.49	\$-152.57	Operating	Street lighting
1552	St. Paul Street	\$581.38	\$603.96	\$-22.58	Operating	Street lighting
1627	East Main Street	\$399.14	\$356.39	\$42.75	Operating	Street lighting

The history and purpose of each district are described in the attached summary.

A public hearing on renewing the Monroe districts and the assessments for all districts is required.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-63

Local Improvement Ordinance No. 1670
 (Int. No. 117)

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 2013-14:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 624.08	1547
Lyell Avenue I	2,633.58	1502
Lyell Avenue II	2,662.12	1503
Monroe Avenue I	1,573.51	1413
Monroe Avenue II	685.93	1412
Cascade Historic	1,603.00	1429
Norton Street Urban Renewal	1,479.93	1601
Lake Avenue	4,424.92	1472
St. Paul Street	581.38	1552
East Main Street	399.14	1627

Section 2. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

Local Improvement Ordinance No. 1671
 (Int. No. 118)

Continuation Of Local Improvement Ordinance No. 1412 Relating To The Monroe Avenue II Street Lighting District

WHEREAS, by Local Improvement Ordinance No. 1412, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue II Street Lighting and Sidewalk District; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for street lighting an additional period of ten years.

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

Section 1. Local Improvement Ordinance No. 1412, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue II Street Lighting District from Culver Road to I-490, is hereby re-enacted for an additional period of ten years for the purpose of paying for the additional energy and maintenance costs, commencing on July 1, 2013.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1672
(Int. No. 119)

Continuation Of Local Improvement Ordinance No. 1413 Relating To The Monroe Avenue I Street Lighting District

WHEREAS, by Local Improvement Ordinance No. 1413, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue I Street Lighting District; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for street lighting an additional period of ten years.

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

Section 1. Local Improvement Ordinance No. 1413, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Monroe Avenue I Street Lighting District from the Inner Loop to I-490, is hereby re-enacted for an additional period of ten years for the purpose of paying for the additional energy and maintenance costs, commencing on July 1, 2013.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1673
(Int. No. 120)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2013-14:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$5,000	1430
Norton Street Urban Renewal	2,815	1619

Section 2. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1674
Re: Downtown Enhancement District
2013-14 Budget

Transmitted herewith for your approval is legislation approving the 2013-14 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. These services may include sidewalk cleaning, sweeping, snow removal and litter removal, as well as installation, repair and maintenance of improvements such as benches, planters, and street lighting.

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.

Unless otherwise approved by the advisory committee, 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). The

total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. Also, properties directly on Main Street are weighted at twice the factors of other properties.

The maximum permissible budget for 2013-14, based upon the 24 year cumulative increase in the CPI (92.7%), is \$770,800. The recommended budget is \$568,000, a decrease of \$500 (-.1%). The board agreed to increase the use of fund balance from \$70,000 to \$84,000 to offset the contingency for wage increase.

<u>Category of Expense</u>	<u>2012-13</u>	<u>2013-14</u>	<u>Variance</u>
Personnel total	\$557,400	\$560,500	\$ 3,100
<i>Salaries and wages</i>	<i>408,700</i>	<i>411,000</i>	<i>2,300</i>
<i>Employee benefits</i>	<i>148,700</i>	<i>149,500</i>	<i>800</i>
Operational expenses	126,900	127,900	1,000
<i>Materials and supplies</i>	<i>66,500</i>	<i>63,000</i>	<i>- 3,500</i>
<i>Contractual services</i>	<i>60,400</i>	<i>64,900</i>	<i>4,500</i>
Contingency (wage increase)	9,200	18,600	9,400
Less Operating revenues	<u>-55,000</u>	<u>-55,000</u>	<u>0</u>
Required assessments	638,500	652,000	13,500
Use of fund balance	<u>-70,000</u>	<u>- 84,000</u>	<u>14,000</u>
Total Budget	\$568,500	\$568,000	\$ - 500

The proposed budget was approved by the Enhancement District Committee on January 17, 2013 by a vote of 5-0.

A public hearing on the district assessment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Local Improvement Ordinance No. 1674
(Int. No. 121)

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 2013-14 fiscal year for the Downtown Enhancement District to be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444, 1531 and 1597, is established at \$568,000, 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 \$84,000 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, 2013.

Passed unanimously.

By Councilmember McFadden
April 16, 2013

To the Council:

The Public Safety, Youth & Recreation Committee is holding the following entitled legislation in Committee:

Int. No. 122 - Appropriating Funds For The City Arts Project

Int. No. 123 - Authorizing Amendatory Agreements For The Teenage Pregnancy Prevention Program And Amending Ordinance No. 2012-168 And The 2012-13 Budget

Int. No. 124 - Establishing Maximum Compensation For A Professional Services Agreement For The Comprehensive Emergency Management Plan

Int. No. 129 - Establishing Maximum Compensation For A Professional Services Agreement For Online Reporting Of Transactions

Int. No. 130 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Response Software Training

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

Councilmember McFadden moved to discharge Int. No. 122 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-106
Re: City Arts Project - 2013

Transmitted herewith for your approval is legislation appropriating \$55,000 from the Neighborhood and Asset Planning Fund/Focused Investment Strategy allocation of the 2012-13 Community Development Block Grant for the City Arts Project.

This project, initiated in 2012 in collaboration with the Department of Neighborhood and Business Development, engages youth from the Focus Investment Strategy (FIS) areas to create, develop, and install public arts projects within the FIS areas to enhance and improve those communities. A lead artist is hired to lead a team consisting of a project assistant and 10 youth for the duration of the project, which begins in spring and is completed by fall.

In 2012, youth from the Northeast and Northwest FIS neighborhoods were hired for the project. Two murals are scheduled to be hung in April; one on the Price Rite building at the corner of Dewey Avenue and Driving Park, and on the Ametek building on N. Union Street, across from the Public Market.

A total of \$100,000 was appropriated for the 2012 project (Ord. No. 2011-289). A balance of \$25,000 remains unspent and will be applied to the 2013 project.

For the 2013 program, youth will be hired from the FIS areas in the Southeast and Southwest quadrants of the city. And, using the same model as 2012, the project team will solicit the input and consultation of community stakeholders, including local resident and business associations throughout the entire project from those areas.

The youth hired for the project will receive training in community art development, leadership, communications, and customer service. They will also participate in empowerment workshops and field trips.

A project description and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-64

Ordinance No. 2013-106
(Int. No. 122)

Appropriating Funds For The City Arts Project

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation of the 2012-13 Community Development Block Grant the sum of \$55,000, or so much thereof as may be necessary, to fund the City Arts Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden made moved to discharge Int. No. 123 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-107
Re: Amendatory Agreements - Federal
Teenage Pregnancy Prevention
(TPP) Program

Transmitted herewith for your approval is legislation related to the U.S. Department of Health and Human Services (HHS) funding for the Teenage Pregnancy Prevention Program (TPP). The program is funded by an annual grant in the amount of \$1,499,705. The second year of this five year program (authorized via Ordinance No. 2011-286) focused largely on a pilot of the program and recruitment activities for the third year implementation, resulting in unused grant funds in the amount of \$468,465. In anticipation of approval from HHS to reallocate these funds for Year 3 of the program, which ends August 31, 2013, the following legislation is proposed that will:

- 1. Authorize amendatory agreements for Year 3 with TPP partners to increase maximum compensation as summarized in the table below. The additional cost will be funded from a portion (\$339,926) of the unused Year 2 funds appropriated herein. Original amounts for Year 3 were established via Ordinance No. 2012-353. Ordinance No. 2012-470 autho-

rized a reduction in the contract with Charles Settlement House and used those funds for an agreement with Coordinated Care Services.

2. Amend Ordinance No. 2012-168 to reduce the maximum compensation for Year 2 TPP partners established therein as summarized in the table below. The original agreements for Year 2 were authorized via Ordinance No. 2011-286, and amended via Ord. No. 2012-168.
3. Amend the 2012-13 Budget of the Department of Recreation and Youth Services by \$128,500 to reflect the balance of the carryover funds. These funds will cover additional activities such as moving and relocation expenses, enhanced recruitment activities, professional development of staff, and marketing of the program.

Distribution of Additional TPP Funds

<u>Agency</u>	<u>Year 3</u>	<u>Year 2</u>	<u>Amended/Final</u>
<u>Amounts -</u>	<u>Original</u>	<u>Reductions</u>	<u>Amounts for</u>
			<u>Year 3</u>
Charles Settlement House	\$ 58,959	\$ 0	\$ 58,959
Baden St. /Metro Council	234,534	73,512	308,046
Community Place of Rochester	78,837	11,250	90,087
Coordinated Care Services, Inc.	90,882	*85,124	176,006
YWCA	131,592	60,333	191,925
**University of Rochester	359,990	109,707	469,697
Subtotal	\$ 954,794	\$339,926	\$1,294,720
City	544,911	128,539	673,450
Total	\$1,499,705	\$468,465	\$1,968,170

* Unused funds from the Year 2 agreement with Charles Settlement House.
 ** UR provides program evaluation services.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-65

Ordinance No. 2013-107
 (Int. No. 123)

Authorizing Amendatory Agreements For The Teenage Pregnancy Prevention Program And Amending Ordinance No. 2012-168 And The 2012-13 Budget

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

Section 1. The Mayor is hereby authorized to

enter into amendatory agreements with the following organizations in the following additional amounts for services under the third year of the Federal Teenage Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
Baden Street Settlement /Metro Council for Youth Potential	\$ 73,511.59
The Community Place of Rochester	11,250.03
Coordinated Care Services, Inc.	85,123.94
YWCA of Rochester and Monroe County	60,332.85
University of Rochester Medical Center (evaluation Partner)	109,706.96
	<u>\$339,925.37</u>

Section 2. The amendatory agreements shall obligate the City to pay an amount not to exceed \$339,925.37, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the funds received from the United States Department of Health and Human Services for the Federal Teenage Pregnancy Prevention Program.

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

Section 4. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$128,500, which amount is hereby reappropriated from funds received from the United States Department of Health and Human Services for the Federal Teenage Pregnancy Prevention Program.

Section 5. Ordinance No. 2012-168, relating to amendatory agreements for the Federal Teenage Pregnancy Prevention Program, is hereby amended by reducing the amounts authorized and appropriated therein for the organizations and by the amounts set forth in Section 1, except that the amount for Coordinated Care Services, Inc. listed above shall be reduced from the amount set forth for Charles Settlement House in Ordinance No. 2012-168.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 124 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-108
 Re: Agreement - Cannon Design,
 Emergency Management Consultant

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for a one year agreement with Cannon Design located in Grand Island, NY (with an office at 1 East Ave, Rochester), to provide services related to the review and update of the City of Rochester's Comprehensive Emergency Management Plan (CEMP). The cost of this agreement will be financed from the grant received from New York State through the 2012 Law Enforcement Terrorism Prevention Program (Homeland Security) appropriated via Ordinance No. 2012-433.

Cannon Design will review the current CEMP format, revise current content as needed, and add content as requested by the City to ensure compliance with City, County, State, and Federal requirements related to emergency planning. Cannon Design will provide technical writing necessary to provide the City with a revised CEMP in an electronic format that may be revised by, and will be the property of, the City.

Cannon Design was selected through a request for proposal process, described in the attached summary.

The term of the agreement will be May 1, 2013 through April 30, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-66

Ordinance No. 2013-108
(Int. No. 124)

Establishing Maximum Compensation For A Professional Services Agreement For The Comprehensive Emergency Management Plan

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 Cannon Design to update the Comprehensive Emergency Management Plan. Said amount shall be funded from the appropriation of funds made in Section 1 of Ordinance No. 2012-433.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 129 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-109
Re: Agreement - Leads Online, Retail
Transactions Reporting System

Transmitted herewith for your approval is legislation establishing \$34,000 as annual maximum compensation for Year 2 and Year 3 of an agreement with Leads Online (Dallas, TX) for continued online reporting of transactions conducted at pawn shops, secondhand dealers, and scrap yards. This agreement was initially authorized via Ordinance No. 2012-163.

The second year of the agreement will be funded from the 2012-13 Budget of the Police Department; funding for the third year will be included in the request for the next round of the IMPACT grant.

In March 2012, City Council authorized amendments to the City Code to require transactions at secondhand and scrap retail establishments to be reported online, beginning June 1, 2012. At that time, the Rochester Police Department was able to find only two vendors who could provide electronic reporting services of secondhand and/or scrap transactions for law enforcement. LeadsOnline was selected based on their ability to provide the full range of services required by RPD.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-109
(Int. No. 129)

Establishing Maximum Compensation For A Professional Services Agreement For Online Reporting Of Transactions

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

Section 1. The sum of \$34,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for the second and third years of a professional services agreement between the City and Leads Online for online reporting of transactions conducted by Pawnbrokers, Secondhand Dealers, and Junkyard Operators, Junk Dealers and Scrap Processors. Said amount for the second year shall be funded from the 2012-13 Budget of the Rochester Police Department, and the third year shall be contingent upon the appropriation of additional IMPACT Grant funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 130 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-110
Re: Agreement - Deccan International, Inc., Emergency Services Software Training

Transmitted herewith for your approval is legislation establishing \$7,500 as maximum compensation for an agreement with Deccan International, Inc. (San Diego, CA) for training services related to software that supports emergency response services for the Rochester Fire Department. The cost of the agreement will be funded from the 2012-13 Budget of the Fire Department. This agreement, given an existing agreement with Deccan, exceeds the \$10,000 threshold and is therefore subject to Council approval.

Ordinance No. 2008-392 authorized an agreement with Deccan International for Box Area Automated Run Card Builder (BARB) software installation and annual maintenance. The initial cost of the software was \$36,456; an annual maintenance cost of up to \$8,000 was included through 2013.

The Fire Department uses three Deccan International, Inc. software programs to optimize analysis of data for emergency incident reporting and management:

CAD Analyst (Computer Aided Dispatch Analyst)
Processes key data from 911 CAD dispatch data to evaluate Fire/EMS response performance

BARB (Box Area Automated Run Card Builder)
Automates the building of static run-cards that define the apparatus and emergency vehicle response order for all emergency and non-emergency events

ADAM (Apparatus Deployment Analysis Module)
Assists in evaluating the impact of apparatus relocations and station locations on response performance

Deccan International will provide three eight-hour software training sessions for approximately ten Rochester Fire Department and Emergency Communications Department personnel. Training sessions will be held at the Rochester/Monroe County Public Safety Training Facility and Rochester Public Safety Building.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-110
(Int. No. 130)

Establishing Maximum Compensation For A Professional Services Agreement For Emergen-

cy Response Software Training

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

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Deccan International for software training to support emergency response services. Said amount shall be funded from the 2012-13 Budget of the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:17 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MAY 14, 2013

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 Ceremonies

A presentation from the Smoking and Health Coalition of The American Lung Association

Retirement:
Environmental Services
*Anthony M. Gingello
*Richard Miller
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of April 16, 2013 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 4111-13
Public Disclosure - CDBG Participation 4112-13

The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. Nos. 167 and 168, and Councilmember Ortiz on Int. No. 174.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Conklin presented 2 petitions totaling 127 signatures in favor of food trucks. Petition No. 1685 and 1686

Councilmember Spaul presented 2 petitions totaling 37 signatures against the East End festival. Petition No. 1687 and 1688.

PUBLIC HEARINGS.

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

Approving The Sale By The Rochester Urban Renewal Agency To Excellus Health Plan, LLC Of 165 Court Street In The Washington Square Urban Renewal Project Int. No. 151 No. speakers.

Authorizing An Agreement For Parking Rights In The South Avenue Garage Int. No. 165 No. speakers.

Changing The Zoning Classification Of A Portion Of 683 Elmwood Avenue From C-V Collegen-town Village To PD #10-University Of Rochester City Campus Int. No. 167 No speakers.

Changing The Zoning Classification Of A Portion Of 1401 Mt. Hope Avenue From PD #10-University Of Rochester City Campus To C-V Collegen-town Village Int. No. 168 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The PD #15-Culver Road Armory As Planned Development District No. 15 Int. No. 169 No speakers.

Changing The Zoning Classification Of 145 Culver Road And 56 Hinsdale Street From R-1 Low Density Residential To PD #15-Culver Road Armory Int. No. 170 No speakers.

Changing The Zoning Classification Of 348, 364-368, 378, 382, 392-394 And 420 Mt. Hope Avenue, 22 Gregory Street And 3 Hickory Street From R-2 Medium Density Residential To C-1 Neighborhood Commercial Int. No. 171 No speakers

Amending The Official Map By Dedicating And Renaming Additional Parcels For Cataract Street And Accepting An Easement Int. No. 177 No speakers.

Amending The Official Map By Abandonment

Of A Portion Of Platt Street Int. No. 178 No speakers.

Approving Increases In The Pavement Width Of Cataract Street Int. No. 179 No speakers.

Approving Increases In The Pavement Width Of LaGrange Avenue, Elk Street And Moose Street As A Part Of The Elk Street Group Improvement Project Int. No. 158 No speakers.

Approving Decreases In The Pavement Width Of Union Street Int. No. 173 One speaker, Inez Burns.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 14, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 139 - Approving Apportionment Of Taxes And Charges

Int. No. 140 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

Int. No. 141 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks Displays

Int. No. 142 - Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

Int. No. 143 - Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

Int. No. 144 - Local Law Amending the City Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment

Int. No. 145 - Establishing Maximum Compensation For A Professional Services Agreement For Fiscal Advisor Services

Int. No. 146 - Approving Certain Matters And Authorizing The Execution And Delivery Of Specified Documents In Conjunction With The 2013 Phase Of The Rochester Joint Schools Construction Board Facilities Modernization Program

Int. No. 181 - Amending Chapter 62 Of The Municipal Code, Commercial Travelers, Solicitors And Special Promotional Events

Int. No. 182 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2013 Assessment Roll

Int. No. 183 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2013 Assessment Roll

Int. No. 100 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

Respectfully submitted,
Carla M. Palumbo
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-111
Re: Apportionment of Taxes and Charges

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 87 properties. This apportionment has been certified by the Assessor and is authorized by §6-78 of the City Charter, in accordance with the list which is on file in the Office of the City Clerk.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2012-2013. These taxes and charges, which total \$85,564.89, 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 2013 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-111
(Int. No. 139)

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 16, 2013, 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. 2013-112
Re: Agreement - SMG/Blue Cross Arena,
Festival Site Management

Transmitted herewith for your approval is legislation establishing \$24,800 as maximum compensation for an agreement with SMG/Blue Cross Arena (Jeff Calkins, Manager) for management and promotion of the Riverside Festival Site. The cost of this agreement will be funded from the 2012-13 (\$10,000) and 2013-14 (\$7,800; contingent upon approval) Budgets of the Bureau of Communications, and the Rochester Events Network Trust Fund (\$7,000).

The Festival Site is a City-owned parking lot located at the corner of Court Street and Exchange Boulevard. SMG will provide management of the site for the 2013 summer season, including reservation and promoter management, barricade set up, provision of two office and talent trailers, and the displacement of parking on event days. These services account for a maximum of \$17,800 of the cost of the agreement.

SMG will also provide box office services, including ticket taking services, for ten City-produced Party in the Park concert events. Box office services will cost an average of \$700 per event, for a maximum of \$7,000. The 2012 actual cost for box office services was \$5,424, lower than the authorized amount of \$7,000.

Party in the Park concert events will take place on ten consecutive Thursday evenings beginning June 6. The nominal facility fee of \$2 will be continued. In 2012, this fee resulted in \$73,455 in new revenue to the City.

The agreement for these services in 2012-13 was authorized in April 2012 (Ord. No. 2012-125). There is no increase in cost for the 2013-14 agreement.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-67

Ordinance No. 2013-112
(Int. No. 140)

Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

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

Section 1. The sum of \$24,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG for

the continued management and promotion of the Riverside Festival Site. Of said amount, \$10,000 shall be funded from the 2012-13 Budget of the Bureau of Communications, \$7,800 shall be funded from the 2013-14 Budget of the Bureau of Communications, contingent upon adoption of said budget, and \$7,000 is hereby appropriated from the Rochester Events Network Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2013-113
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 during 2013. The cost of this agreement will be funded from the Rochester Events Network Trust Fund (\$18,000) and the 2013-14 Budget of the Bureau of Communications (\$29,000), contingent upon its approval.

The firm will provide aerial fireworks displays on July 4, 2013 and December 31, 2013, and a ground fireworks display on December 7, 2013. The July 4 display will be the largest Independence Day show in the area, and will extend for about 20 minutes. The December 31 display will be part of the New Year's Eve Celebration in downtown Rochester and will extend for about 18 minutes. Both displays will be launched over the Genesee River. The December 7 ground fireworks display will highlight the season opening of the Manhattan Square Park Ice Rink.

Approval is requested at this time in order to assure that an agreement is in place for the July 4 fireworks, which occurs very early in the 2013-14 budget year.

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 agreement for these services in 2012 was authorized in April 2012 (Ord. No. 2012-124). There is no increase in cost for 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-68

Ordinance No. 2013-113
(Int. No. 141)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks Displays

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

Section 1. The sum of \$47,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for fireworks displays. Of said amount, \$29,000 shall be funded from the 2013-14 Budget of the Bureau of Communications, contingent upon adoption of said budget, and \$18,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-114
Re: Agreement - Northeastern Production Systems, Inc., Special Events Services

Transmitted herewith for your approval is legislation establishing \$116,200 as maximum compensation for an agreement with Northeastern Production Systems, Inc. for sound, lighting, staging, and power production services at special and cultural events during the 2013-14 fiscal year. The cost of this agreement will be financed from the 2013-14 Budgets of the Bureau of Communications (\$94,600) and the Department of Recreation and Youth Services (\$10,000) contingent upon their approval; and the Rochester Events Network trust fund (\$11,600).

Northeastern will provide the sound, lighting, stage, stage roof equipment and related services required for all special events and cultural arts performances provided by the Communications Special Events Office during fiscal year 2013-14. These events include summer evening concerts at the Riverside Festival Site, the July 4 RPO concert, noontime concerts, Bands on the Bricks at the Public Market, holiday events, and various other concerts throughout the year.

A three-year agreement with Northeastern for these services, authorized in June 2010 (Ord. No. 2010-179), expires June 30, 2013. Northeastern was selected in 2010 through a request for proposal process. The proposed new agreement will have a term of one year, and a request for proposal process for continuation of these services will be initiated during the second quarter of 2013-14.

The total cost of sound, lighting, and stage services

during the 2011-12 fiscal year was \$105,795.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-69

Ordinance No. 2013-114
(Int. No. 142)

Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

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

Section 1. The sum of \$116,200, or so much thereof as may be necessary, is hereby established as the City compensation to be paid for a professional services agreement between the City and Northeastern Production Systems, Inc. for sound, lighting, staging and power production services for special events. Of said amount, \$94,600 shall be funded from the 2013-14 Budget of the Bureau of Communications, \$10,000 shall be funded from the 2013-14 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budgets, and \$11,600 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. 2013-115
Re: Agreement - PMA Management Corporation, Administration of Workers' Compensation Claims

Transmitted herewith for your approval is legislation establishing \$176,250 as maximum compensation for a three-year agreement with PMA Management Corporation for administration of workers' compensation claims. The annual cost of \$58,750 will be financed from the Undistributed allocation of the annual budgets (2013-14 through 2015-16) contingent upon their approval.

Workers' compensation claims management has been provided by POMCO Risk Management Group (Syracuse, NY) since 1990 at an annual cost of \$83,500; that agreement expires June 30, 2013. PMA Management Corporation was selected through a request for proposal process described in the attached summary.

PMA Management Corporation provides third party workers' compensation claims administration services that partners with clients to understand their loss drivers, implement effective risk control and cost containment measures, and optimize the claims process. This is achieved through a three-part strategy: preventing claims before they occur,

mitigating the cost of claims when they do occur, and employing post-loss risk management strategies.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-70

Ordinance No. 2013-115
(Int. No. 143)

Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

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

Section 1. The sum of \$58,750, 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 PMA Management Corp. for the administration of the City's Workers' Compensation Program for a term of three years. Said amount shall be funded from the 2013-14, 2014-15 and 2015-16 Budgets for Undistributed Expense, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 2
Re: Amending the City Charter - Employment Criminal History Checks

Transmitted herewith for your approval is legislation amending the Charter of the City of Rochester to require all prospective City employees to be fingerprinted for the purpose of revealing any prior criminal convictions.

Background. In the past, criminal background checks conducted on prospective City employees were handled through the Police Department, and were limited to a review of City Court records. Any criminal convictions adjudicated outside of the City Court System were not being considered when making hiring decisions.

In December 2009, the City contracted with an outside consultant to conduct more thorough criminal background checks for all prospective City employees. An initial check of Social Security records determines the subject's history of residence which is followed by a check of each relevant county's conviction records.

The City continued to research available methods to determine best practices and opportunities for efficiency and cost savings. Through this review, it

was determined that fingerprint-based background checks conducted through the New York State Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI) would provide more information at a lower cost. New York municipalities are authorized by the state to use this approach, which is currently required for 60% of the City's full-time positions including: all positions in the Emergency Communications, Information Technology, and Police Departments; and all uniformed employees of the Rochester Fire Department.

Fingerprinting of public sector employees is a common practice regionally and is used by the City of Buffalo, Monroe County, and the Rochester City School District.

Proposal. The proposed legislation will authorize fingerprint-based criminal background checks for all persons nominated for employment with the City. The actual fingerprint impressions would be collected by the City and submitted to DCJS for a check of criminal records. Any resulting information would be reviewed by the Director of Human Resource Management and the Corporation Counsel, or their designees, and subsequently provided to the Civil Service Commission only as needed. As is the current practice, this information is considered confidential, is maintained securely in DHRM, and is not shared with the hiring department.

Cost. The base cost of a background check conducted by the City's consultant is \$105, which covers records for Monroe County only. The cost of searching additional counties varies. The actual average cost per check in 2012 was \$140.61. The City typically hires 700 people annually for an annual cost of \$98,427.

The cost for fingerprint-based checks with DCJS and the FBI is \$91.50, which results in an annual cost of \$64,050, a savings of \$34,377.

Respectfully submitted,
Thomas S. Richards
Mayor

Local Law No. 2
(Int. No. 144)

Local Law Amending The City Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding thereto the following new Section 6B-2:

Section 6B-2. Criminal history record checks in connection with employment.

All applicants for employment with the City

shall be required to have a fingerprint impression of fingers and thumbs on both hands taken by the City. Such fingerprints and the required fee shall be forwarded to the New York State Division of Criminal Justice Services for a criminal history records check and the Mayor is authorized to enter into an agreement for such purpose. The information secured as a result of said records check shall be reviewed by the Director of Human Resource Management and the Corporation Counsel, or their designees, and provided to the Civil Service Commission when Commission action is deemed to be appropriate. If a prospective employee has been convicted of a felony and/or a misdemeanor, any decision regarding such prospective employee's fitness for a position must be made upon a review of the factors contained in New York State Correction Law §§751-753.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-116
Re: Agreement - Capital Markets Advisors,
LLC, Fiscal Advisor Services

Transmitted herewith for your approval is legislation authorizing an agreement with Capital Markets Advisors, LLC (Orchard Park, NY) for fiscal advisory services related to the issuance of debt instruments by the City of Rochester. The term of the agreement will be for three years with provision for two one-year renewal periods. Compensation will be on a fee basis, not to exceed \$64,000 annually. The cost will be funded from the 2013-14 and subsequent annual Budgets of the Finance Department, contingent upon their approval.

To finance various capital projects, the City annually issues or reissues \$150 million to \$200 million in bond anticipation notes and/or bonds. In addition, the City may occasionally issue short-term debt in the form of revenue anticipation notes or tax anticipation notes to finance the short-term cash requirements of the City School District, depending on the timing of receipt of New York State Aid funds.

Under the proposed agreement, Capital Markets Advisors, LLC will provide the following services:

- Financial planning and analysis
- Marketing activities
- Document preparation and review

- Debt offering verifications and communications

The fees for services will be limited to the following:

- Negotiated and competitively sold bonds
 - \$17,500 for each bond issue; \$8,750 for additional series
- Negotiated and competitively sold notes
 - \$9,500 for each note issue; \$4,750 for additional series
- Services unrelated to a specific note or bond issue

Hourly rate of \$150

Out-of-pocket expenses for items such as printing of preliminary and final official statements, legal advertising, mailing, etc. will be billed at actual cost.

The consultant was selected through a request for proposal process described in the attached summary. The consultant has been advised of the Living Wage requirement and the Department of Finance will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-71

Ordinance No. 2013-116
(Int. No. 145)

Establishing Maximum Compensation For A Professional Services Agreement For Fiscal Advisor Services

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

Section 1. The sums of \$17,500 for each bond issue, with \$8,750 for additional series, \$9,500 for note issues, with \$4,750 for additional series, and an hourly rate of \$150 for special services unrelated to a specific note or bond issue, are hereby established as the compensation to be paid for a professional services agreement with Capital Market Advisors, LLC for fiscal advisory services related to the issuance of City debt instruments. The agreement may extend for a term of three years, with two additional one-year renewal options. Said amounts shall be funded from the 2012-13 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. 2013-117
Re: COMIDA Bonding - 2013 Rochester School District Facilities Modernization Program

Transmitted herewith for your approval is legislation authorizing a lease and leaseback agreement with COMIDA (County of Monroe Industrial Development Agency) for certain school parcels and buildings, and any other approvals required for the issuance of bonds by COMIDA in the amount of \$125,000,000. The purpose of these bonds (the "Series 2013 Bonds") is to finance certain costs related to Phase IA, Phase IB and Phase IC of the School District Facilities Modernization Program (FMP).

The FMP is directed by the Rochester Joint Schools Construction Board (RJSCB), which was created by Chapter 416 of the Laws of 2007 of the State of New York for the design, reconstruction, or rehabilitation of school buildings (collectively, the "Phase I Projects"). The legislation provided for a maximum cost and bond authorization of up to \$325 million.

In June 2012, COMIDA issued the "Series 2012 Bonds" for the FMP in the amount of \$124,100,000. That amount was used to finance the design and related costs of Phase IA of the FMP, which includes the rehabilitation of twelve schools and a district-wide technology program (the "Series 2012 Project").

The "Series 2013 Bonds" will finance the costs related to Phase IB of the FMP, which includes general reconstruction of facilities at four of the schools (John Williams School #5, Edison Campus, Henry Hudson School #28, and East High School) and on the district-wide technology program. Work will include site work, exterior and interior building improvements, and additional mechanical and electrical upgrades (the "Series 2013 Project").

The "Series 2013" Bonds will also finance certain planning and design work required for submission of plans and specifications to the State Education Department for Phase IC work. The proceeds may also be used to finance other costs of the Phase IA and Phase IC Projects.

This legislation is contingent upon receipt of a resolution from the City Board of Education that includes:

- Authorization of the COMIDA bonds
- Approval of the COMIDA lease/leaseback arrangement for the Phase IB Projects

All costs related to the COMIDA bonds, including interest, as well as repayment of the bonds, will be the responsibility of the Rochester CSD pursuant to the Agreement between the City, the District and the RJSCB for the FMP.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-117
(Int. No. 146)

**Approving Certain Matters And Authorizing
The Execution And Delivery Of Specified Documents
In Conjunction With The 2013 Phase Of
The Rochester Joint Schools Construction
Board Facilities Modernization Program**

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

Section 1. The City of Rochester, in the County
of Monroe, New York (herein called "City") has
cooperated with the Rochester City School District
(the "School District") and the Rochester Joint
Schools Construction Board (the "RJSCB") in
furtherance of the School District's Facilities Mod-
ernization Program.

Section 2. The RJSCB was created by the
"Rochester School Facilities Modernization Pro-
gram Act" (Chapter 416 of the Laws of 2007) (the
"Act"). Pursuant to the Act, the RJSCB is autho-
rized to manage the design, reconstruction, or reha-
bilitation of existing school buildings for their
continued use as schools of the School District (the
"Facilities Modernization Program" or "Program"),
and to create, coordinate efforts to enable compli-
ance with, and monitor and report on, a program-
wide diversity plan for the Program. The RJSCB,
the School District and the City have entered into a
Cooperative Agreement dated as of February 22,
2010 (the "Cooperative Agreement") in order to
clarify the agency arrangement and delegation of
authority among the School District, the City and
the RJSCB, as well as their respective obligations
and expectations to achieve the objectives of the
Act.

Section 3. On June 20, 2012 the County of
Monroe Industrial Development Agency ("COM-
IDA") issued its \$124,100,000 School Facility
Revenue Bonds (Rochester Schools Modernization
Project), Series 2012 (the "Series 2012 Bonds") the
proceeds of which were applied to development
and other costs incurred in connection with Phase
1A of the Program, the rehabilitation of twelve (12)
existing School District schools, as well as a district
wide technology program (collectively, the "Series
2012 Project").

Section 4. The School District now proposes to
finance costs incurred and to be incurred in connec-
tion with the development of Phase 1B of the Pro-
gram and certain Phase 1C planning costs, as more
specifically described in the Amended and Restated
Sublease Agreement dated as of June 1, 2013 by
and between the City and the School District, a
copy of which is submitted herewith, and has re-
quested COMIDA to issue its not to exceed
\$125,000,000 School Facility Revenue Bonds
(Rochester Schools Modernization Project), Series
2013 (the "Series 2013 Bonds").

Section 5. The Mayor or the Mayor's designee
is hereby authorized and directed to enter into an
Amended and Restated Ground Lease, the
Amended and Restated Sublease Agreement re-
ferred to above, an Amended and Restated State
Trust Agreement and all other ancillary documents
necessary and appropriate to effect issuance of the
Series 2013 Bonds, all in form and substance to be
approved by the City's Corporation Counsel.

Section 6. The Director of Finance and Corpo-
ration Counsel are hereby authorized and instructed
to comply and evidence compliance with all re-
quirements of the Rochester Schools Act necessary
and appropriate to ensure that the Series 2013
Bonds are issued in accordance with the New York
Local Finance Law and the Rochester Schools Act
and that the interest payable on the Series 2013
Bonds is the lowest possible rate obtainable under
current market conditions.

Section 7. This ordinance shall be contingent, as
evidenced by the written advice of Corporation
Counsel, upon approval of the bonding and the
Amended and Restated Ground Lease and the
Amended and Restated Sublease by the School
District and RJSCB.

Section 8. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-118
Re: Code Amendment - Truck Vending
Pilot Program

Transmitted herewith for your approval is legisla-
tion amending Municipal Code Chapter 62, Com-
mercial Travelers, Solicitors and Special Promo-
tional Events, to establish a truck vending pilot
program in downtown Rochester through the end of
2013.

A team of City of Rochester Council/Clerk and
Administration staff has explored the creation of a
downtown food vending pilot program this year.
Evidence gleaned from other cities suggests that the
presence of food trucks can attract more office
workers to street level, and generally make down-
town more inviting.

Feedback about this proposal has been obtained
from various sources, including food truck owners,
numerous downtown property owners/managers
and restaurant owners, and the experiences of other
mid-sized cities. Utilizing this information, an
inter-departmental City staff work group has de-
veloped a pilot program that attempts to respect the
needs of the multiple stakeholders involved.

Specifically, the code amendments will

- regulate vending from specific downtown
parking spaces;

- establish the maximum vending truck length at 28 feet;
- prohibit vending from trailers on streets;
- establish time limitations to the vending locations.

These requirements are intended to ensure that a specific vending space is sized for one vehicle only, to enable a rapid removal of a vehicle if needed, to ease traffic flow, to accommodate street appurtenances, and to provide for safety and access.

Three on-street food truck vending locations that can each accommodate two trucks have been identified. These locations were selected based on their minimal impact on traffic flow and pedestrians, existing metered parking spots, and to provide food service in different parts of downtown where the safety of vehicles and pedestrians is not compromised. The proposed locations and hours of operation are:

- State Street (south of Morrie Silver Way): 9 a.m.-4 p.m.
- Andrews Street (east of Front Street): 7 a.m.-8 p.m.
- Broad Street (west of South Avenue): 11 a.m.-8 p.m.

These locations were reviewed by the Traffic Control Board at its April 16, 2013 meeting. A map indicating the three locations is attached. It is anticipated that this pilot program will operate from June through December, 2013. The pilot program will be evaluated by stakeholders, and modified as necessary with the goal of establishing a more permanent program beginning in 2014.

Respectfully submitted,
 Lovely A. Warren
 City Council President

Carolee A. Conklin
 Chair
 Finance Committee

Attachment No. AM-72

Ordinance No. 2013-118
 (Int. No. 181)

Amending Chapter 62 Of The Municipal Code, Commercial Travelers, Solicitors And Special Promotional Events

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

Section 1. Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, as amended, is hereby further amended as follows:

- 1) Section 62-7, Additional Center City District, Marina and Harbortown provisions, is amended by adding thereto the following new subsections:

(5) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a public street except from a motorized vending unit that is not greater than 28 feet in length and which is licensed and able to be operated on the public streets of New York State. No trailers shall be used for such purpose.

(6) No person shall engage in business as a solicitor or attempt to engage in business as a solicitor from a parking space on a public street except in parking spaces reviewed by the Traffic Control Board and approved by the City Clerk, and in accordance with regulations established by the Traffic Control Board. The Traffic Control Board may establish the hours that each parking space shall be available for solicitor's use, which hours shall not be greater than between the hours of 7 a.m. and 8 p.m. No solicitor shall be parked in a specific parking space for more than four consecutive hours.

Section 2. Upon completion of this pilot program, a report shall be prepared and submitted to Council containing an evaluation of the program and suggestions for the future.

Section 3. This ordinance shall take effect on June 1, 2013 and shall expire on December 31, 2013.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - Councilmember Spaul - 1.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-119 and
 Ordinance No. 2013-120
 Re: Tax Apportionment Assessment
 Classes - Tax Shift

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base proportion." In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2012 data. The second is the calculation of the adjusted base proportions using 2012 and 2013 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4320829
Non-Homestead	<u>.5679171</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4287541
Non-Homestead	<u>.5712459</u>
Total	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	+1.7
Non-Homestead	-1.3

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 17, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-73

Ordinance No. 2013-119
(Int. No. 182)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2013 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 2013 assessment roll as follows:

Homestead Class	Non-Homestead Class
Current base proportions	
43.20829%	56.79171%
Current percentage	
61.60990%	38.39010%
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. 2013-120
(Int. No. 183)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2013 Assessment Roll

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2013 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Adjusted base proportion	.4287541	.5712459
Taxable assessed value	3,612,157,499	2,270,622,128
Net change in assessed value from 2012 resulting from physical and quantity changes	+4,456,200	+39,629,750
Net change in assessed value from 2012 resulting from other than physical and quantity changes	-3,029,780	-9,554,900

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1675
Re: Downtown Special Services Program

Transmitted herewith for your approval is legislation related to the Downtown Special Services Program (DSS). This legislation will:

1. Approve the 2013-14 budget for the program. The proposed budget (attached) totaling \$530,183 was approved at a joint meeting of the DSS Board and Members on March 7, 2013 meeting.
2. Approve the assessments to be apportioned to the properties within the Downtown Special Services District. Upon application of \$55,000 from the fund balance, \$2,624 from delinquent collections, and \$1,012 in other revenues, the total assessment for 2013-14 will be \$471,547.
3. Establish \$529,171 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2013 to

June 30, 2014. This agreement will be funded from assessments to participating properties and a portion of the existing fund balance.

The Downtown Special Services Program, established by Council in March 1994 (as the Downtown Guides Program) and re-authorized in 1999, 2004, and 2009, is administered by the non-profit corporation, Downtown Special Services, Inc. The corporation is directed by an 11-member board which includes representatives from downtown businesses, the tourist industry, and City and County government, and managed by the Rochester Downtown Development Corporation (RDDC). DSSI is governed jointly by the Board and by a 20-person membership consisting of downtown residents, churches, educational and cultural institutions, in addition to government, Police Department, and hospitality sector representatives.

The program provides Safety and Information Services in the downtown area. The Safety Services team includes 23 members who complete rounds throughout downtown on foot and by bicycle in 11 distinct neighborhoods contained in the assessment district service area during the hours of 1:00 - 9:30 pm (Monday through Thursdays), 1:00 - 10:30 pm (Fridays), 5:00 - 10:30 pm (Saturdays), and 5:00 - 9:30 pm (Sundays), 358 days per year. They also offer on-demand evening walking service to downtown employees between the hours of 3 pm and 9 pm, Monday through Friday.

The Information Services team of 4 members operates the Downtown Information Center weekdays from 10 am to 4 pm and maintains a portion of the downtown website, in a long-standing partnership between DSSI and the Rochester Downtown Development Corporation (RDDC).

The assessment to cover the expenses of the program will be apportioned among all non-homestead properties within the district boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation. Upon approval of this legislation, the tax levy for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review and comment on the levies.

City staff have been working with RDDC and downtown stakeholders to determine the feasibility of establishing a downtown Business Improvement District (BID), which would replace the Main Street Enhancement District and the Downtown Special Services Program with a comprehensive entity, whose staff would provide safety, hospitality, and information services; business advocacy and promotion; and general BID maintenance.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-74

Local Improvement Ordinance No. 1675
(Int. No. 100)

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 2013-14 fiscal year for the Downtown Special Services District, is established at \$471,547, 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 \$529,171, and of said amount, or so much thereof as may be necessary, \$471,547 is hereby appropriated from the assessments authorized herein and \$55,000 is hereby appropriated from Downtown Special Services District fund balances and \$2,624 from delinquent collections. 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, 2013.

Passed unanimously.

By Councilmember Palumbo
May 14, 2013

To the Council:

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

Int. No. 147 - Authorizing The Sale Of Real Estate

Int. No. 148 - Authorizing Release Of A Deed Restriction

Int. No. 149 - Resolution Approving An Appointment To The Rochester Environmental Commission

Int. No. 150 - Amending Ordinance No. 2011-322 Relating To Home Repair Programs

Int. No. 152 - Resolution For The Purpose Of A Home Rule Message Regarding State Legislation Relative To The Alienation And Acquisition Of Parkland For Tryon Park

Int. No. 180 - Authorizing The Granting And Release Of Easements For The Cataract And Platt Street Improvement Project

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

Int. No. 151 - Approving The Sale By The Rochester Urban Renewal Agency To Excellus Health Plan, LLC Inc. Of 165 Court Street In The Washington Square Urban Renewal Project, As Amended

Int. No. 165 - Authorizing An Agreement For Parking Rights In The South Avenue Garage

Int. No. 167 - Changing The Zoning Classification Of A Portion Of 683 Elmwood Avenue From C-V Collegetown Village To PD #10-University Of Rochester City Campus

Int. No. 168 - Changing The Zoning Classification Of A Portion Of 1401 Mt. Hope Avenue From PD #10-University Of Rochester City Campus To C-V Collegetown Village

Int. No. 169 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The PD #15-Culver Road Armory As Planned Development District No. 15

Int. No. 170 - Changing The Zoning Classification Of 145 Culver Road And 56 Hinsdale Street From R-1 Low Density Residential To PD #15-Culver Road Armory

Int. No. 171 - Changing The Zoning Classification Of 348, 364-368, 378, 382, 392-394 And 420 Mt. Hope Avenue, 22 Gregory Street And 3 Hickory Street From R-2 Medium Density Residential To C-1 Neighborhood Commercial

Int. No. 177 - Amending The Official Map By Dedicating And Renaming Additional Parcels For Cataract Street And Accepting An Easement

Int. No. 178 - Amending The Official Map By Abandonment Of A Portion Of Platt Street

Int. No. 179 - Approving Increases In The Pavement Width Of Cataract Street

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-121 and
Ordinance No. 2013-122
Re: Sale of Real Estate - Release of Deed
Restriction for 474 East Avenue

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, City records have been audited to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are vacant lots being sold to their adjacent owners and combined with their respective lots. Both will be used to increase existing green/yard space.

The next 12 parcels are unbuildable vacant lots. All are being sold to their respective adjacent owners who will combine the lots with their current properties.

The first year projected tax revenue for these fourteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,671.

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.

Release of Deed Restriction

Transmitted herewith for your approval is legislation authorizing the release of a deed restriction regarding the property at 474 East Avenue (SBL# 121.26-1-26). In 1957, the City of Rochester conveyed the property to Fred and Maurice Forman who in turn donated it to the Boy Scouts of America with a deed restriction specifying that the premises shall be used as a Boy Scout Headquarters and for no other use, as per Ordinance No. 57-174. The Boy Scouts have outgrown this building and site and wish to sell the property to a developer who plans to convert the property to apartments and return the property to taxable status. As the Boy Scouts are a tax-exempt, 501-C (3) corporation, release of the deed restriction, allowing the conveyance to a fully taxable purchaser, is in the best interest of the City of Rochester.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-75

Ordinance No. 2013-121
(Int. No. 147)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant

land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
293 Driving Park Av	090.82-2-45	31x52	1,612	\$500	NCS Community Development Corp.*
414-428 Scio St	106.66-2-92.1	43x111	4,928	\$425	Julia Aquila-Scull

* Board of Directors: Joel E. Kunkler, Member; Jon D. Kuppinger, Member; Pamela Davis, Member; Karen Tomasso, Member; Robert Stevenson, Member; Tim McGrath, Member

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>
335 Averill Av	121.56-3-24	30x42	1,270	Wedge 23, LLC**
270 Clifford Av	106.30-4-63	35x86	3,106	Tayeb Ali & Fouad Homed
3 Denning St	121.40-2-55	11x100	2,620	Norman Sandoval
8-10 Gladstone St	120.51-2-78	34x100	3,398	WLLR, Inc.***
10 Gladys St	106.29-1-52	34x97	3,217	Georgia Snow
117 Griffith St	121.40-2-58.4	25x62	718	Norman Sandoval
89 Harris St	106.21-1-13	40x63	2,520	Vastee Blue
34 Jefferson Ter	120.52-3-57	40x51	2,072	Sabrina Turner
20 Judson St	120.58-3-54	41x50	2,044	Claudia Austin
SH of 319-321 Murray St	SH of 105.57-3-28	20x90	1,840	Dion Cram
NH of 319-321 Murray St	NH of 105.57-3-28	20x90	1,840	John Cuyler & Elvin Smith
East pt. of 348 Troup St	East pt. of 120.43-2-22	10x108	1,080	Sujej E. Robinson

** Corporation Board: William Wilson Farmer III, Member; Anthony Norman Posella, Member; William Wilson Farmer, Jr., Member

*** Board of Directors: Linda Smith, Member; Ronald Wright, 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 or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-122
(Int. No. 148)

Authorizing Release Of A Deed Restriction

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

Section 1. The Council hereby approves the release of a deed restriction over the property at 474 East Avenue, SBL# 121.26-1-26, specifying that the "premises shall be used as a Boy Scout Headquarters and for no other use", as per Ordinance No. 1957-174, to allow the return of the property to taxable status.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-10
Re: Appointment - Rochester Environmental
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Ms. Leigh McMullen, 299 Marlborough Road, Rochester, NY 14619, to the Rochester Environmental Commission. She replaces Eugene Gartland, who died recently and had been a member since 1987.

Ms. McMullen's term will extend to May 31, 2016. A résumé for Ms. McMullen is available in the Clerk's Office for review.

Respectfully submitted,
Thomas S. Richards
Mayor

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-123
(Int. No. 150)

Resolution No. 2013-10
(Int. No. 149)

Resolution Approving An Appointment To The Rochester Environmental Commission

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

Section 1. The Council hereby approves the appointment of Leigh McMullen, 299 Marlborough Road, to the Rochester Environmental Commission for a term that shall expire on May 31, 2016. Ms. McMullen shall replace Eugene Gartland.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2013-123
Re: Amending Ordinance No. 2011-322 -
Emergency Assistance Repair Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-322 which authorized agreements for the Emergency Assistance Repair Program (EARP), Joint Energy Conservation Program and Aging in Place Home Modification Program. This amendment will reduce the amount authorized for NCS for implementation of the EARP program from a total of \$413,100 to \$197,100. The balance of \$216,000 will be administered directly by the City.

The City has been reviewing the delivery of services through the EARP Program. During this review, new contracts have been placed on hold. As some of the pending applications involve emergency repairs, the City would like to provide these owners with assistance while the program review is being conducted. A total of 18 properties have been identified. All property owners have been contacted, and City staff is currently working to update program documents and make preparations to undertake the projects by working directly with the contractors.

The proposed amendment will allow the City the necessary funding to address these 18 properties. It is estimated that each property will require approximately \$12,000 for roof replacement, for a total of \$216,000.

The City has dedicated a property rehabilitation specialist to manage the caseload. It is expected that the work on these properties can begin as early as May and be concluded by July.

Amending Ordinance No. 2011-322 Relating To Home Repair Programs

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

Section 1. Ordinance No. 2011-322, authorizing agreements to implement the Emergency Assistance Repair Program (EARP), Joint Energy Conservation Program and Aging in Place Home Modification Program, is hereby amended by reducing the amount of the agreements with NCS Community Development Corporation, Inc. from \$413,100 to \$197,100. The amount of \$216,000 reduced herein shall remain appropriated and available to fund the Programs through City operation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-11
Re: Home Rule Message - Tryon Park
Alienation

Transmitted herewith for your approval is a home rule resolution relating to legislation currently being considered by the New York State Legislature. The legislation would authorize the parkland alienation of a small parcel within Tryon Park. The alienation would allow the City to exchange the small parcel within Tryon Park for a slightly larger parcel of adjacent land at 217 Tryon Park (SBL 107.60-1-3) owned by Brian and Elizabeth Conheady. The land exchange would allow an encroachment built by the Conheadys' predecessors in title over fifty years ago to remain in place. The land exchange will actually slightly increase the size of Tryon Park.

The exchange would swap 0.040 acres (1,748 square feet) of park land (approximately 10 feet by 170 feet) for 0.046 acres (2,010 square feet) of the residential property (measuring approximately 60 feet by 33 feet), which would be dedicated as parkland and become part of Tryon Park.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-76

Resolution No. 2013-11
(Int. No. 152)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative

To The Alienation And Acquisition Of Parkland For Tryon Park

Concurring in the request by the Mayor of the City of Rochester to the Senate and the Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to the alienation and acquisition of parkland for Tryon Park.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council concurs in the request of Thomas S. Richards, Mayor of the City of Rochester, to the Senate and the Assembly of the State of New York, constituting the New York State Legislature, that said Legislature enact the legislation set forth in the following bill entitled:

AN ACT authorizing the city of Rochester, county of Monroe to alienate and convey certain parcels of land used as parkland and to acquire other parcels of land to replace such parkland

Being Senate Bill No. S.4285-A and Assembly Bill No. A.6219-A.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-124,
Ordinance No. 2013-125,
Ordinance No. 2013-126 and
Ordinance No. 2013-127

Re: Official Map Amendments - Cataract
And Platt Street Improvement Project

Transmitted herewith for your approval is legislation related to the development of a festival site and parking area to be undertaken by High Falls Operating Co., LLC (d/b/a Genesee Brew House) in conjunction with the Cataract and Platt Street Improvement Project. This legislation will:

1. Amend the Official Map by:
 - a. Dedicating as Cataract Street a 3-foot wide parcel adjacent to the south side of the Street that runs from the west side of Platt Street east to St. Paul Street;
 - b. Accepting from High Falls Operating Co., LLC a permanent easement over the same parcel described above;
 - c. Renaming the same parcel described above as Cataract Street; and
 - d. Abandoning the portion of Platt Street that runs between the railroad/Pont de Rennes bridge and Cataract Street.
2. Authorize an increase of 3 feet, from 10 to 13 feet, in the width of Cataract Street to improve tractor trailer access to the brewery loading docks.

3. Authorize the granting of permanent easements to the High Falls Operating Co., LLC for portions of Platt Street to be abandoned for use by the company and to allow an existing encroachment.
4. Authorize the release of an easement from the High Falls Operating Co., LLC for a vehicle turnaround over a portion of 25 Cataract Street.

These proposed changes will provide for a contiguous parcel for the proposed development of a festival site for the High Falls Brew House, while maintaining appropriate easements for public use and access. Former Platt Street will be retained as a City parcel and will continue to serve as public access to the Pont de Rennes. These changes are illustrated on the attached map.

The street project includes reconstruction of the existing streets with new curbs, sidewalks, drainage basins, and milling and resurfacing of the existing pavement. Related design is scheduled to be completed in summer 2013; construction is expected to begin in September 2013, and to be completed by November 2013. The estimated cost of construction, including inspection and contingencies is \$318,700.

The pavement width changes were endorsed by the Traffic Control Board on April 2, 2013. The City Planning Commission held an informational meeting on Official Map amendments on April 22, 2013; one person spoke in support of the request. By a vote of 4-0 the Commission recommends approval of the renaming, abandonment, and dedication. The minutes and decision from that meeting are attached.

Public hearings on the Official Map amendments and pavement width changes are required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-77

Ordinance No. 2013-124
(Inf. No. 177)

Amending The Official Map By Dedicating And Renaming Additional Parcels For Cataract Street And Accepting An Easement

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 and adding said parcel to Cataract 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 5, 3rd Division, and being more particularly bounded and described as follows: Beginning at the intersection

of the westerly ROW line of St. Paul Street (66' ROW) and the southerly ROW line of Cataract Street (36' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 39° 00' 05" E, along said ROW line of St. Paul Street, a distance of 3.72 feet to a point; thence
- 2) S 87° 11' 55" W, on a line parallel with and 3.00 feet distant from the existing ROW line of Cataract Street, a distance of 280.67 feet to the southeasterly ROW line of Platt Street (50' ROW); thence
- 3) N 41° 40' 25" E, along said ROW line of Platt Street, a distance of 4.20 feet to the said southerly ROW line of Cataract Street; thence
- 4) N 87° 11' 55" E, along said ROW line of Cataract Street, a distance of 275.53 feet to the said westerly ROW line of St. Paul Street, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 834 square feet, more or less, shown as Parcel 'A' on a map entitled "Map Of Lands To Be Dedicated, Abandoned And Renamed For Street Purposes", dated March 20, 2013, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by renaming the following described parcel, heretofore dedicated to street purposes as a part of Platt Street, as a part of Cataract 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 5, 3rd Division, and being more particularly bounded and described as follows: Beginning at the intersection of the southerly ROW line of Cataract Street (36' ROW) and the southeasterly ROW line of Platt Street (50' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 41° 40' 25" W, along said ROW line of Platt Street, a distance of 4.20 feet to a point; thence
- 2) S 87° 11' 55" W, on a line parallel with and 3.00 feet distant from the existing ROW line of Cataract Street, a distance of 70.07 feet to the northwesterly ROW line of said Platt Street; thence
- 3) N 41° 40' 25" E, along said ROW line of Platt Street, a distance of 4.20 feet to the said southerly ROW line of Cataract Street; thence
- 4) N 87° 11' 55" E, along said ROW line of Cataract Street, a distance of 70.07 feet to the said southeasterly ROW line of Platt Street, being the Point or Place of Beginning.

ning.

Hereby intending to describe a parcel of land containing 210 square feet, more or less, shown as Parcel 'B' on a map entitled "Map Of Lands To Be Dedicated, Abandoned And Renamed For Street Purposes", dated March 20, 2013, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Section 3. The Council hereby further approves the acceptance from the High Falls Operating Co., LLC of a permanent easement for street purposes over the parcel dedicated in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-125
(Int. No. 178)

Amending The Official Map By Abandonment Of A Portion Of Platt 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 Platt 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 5, 3rd Division, and being more particularly bounded and described as follows: Beginning at the intersection of the southeasterly ROW line of Platt Street (50' ROW) and the northerly line of the New York Central Railroad – Brewery Branch, said intersection being the Point or Place of Beginning; thence

- 1) N 72° 15' 05" W, along the said north line of the NYCRR, a distance of 54.70 feet to the northwesterly ROW line of said Platt Street; thence
- 2) N 41° 40' 25" E, along said ROW line of Platt Street, a distance of 136.84 feet to a point; thence
- 3) N 87° 11' 55" E, on a line parallel with and 3.00 feet distant from the existing southerly ROW line of Cataract Street (36' ROW), a distance of 70.07 feet to the said southeasterly ROW line of Platt Street; thence
- 4) S 41° 40' 25" W, along said ROW line of Platt Street, a distance of 152.86 feet to the said north line of the NYCRR, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land

containing 6970 square feet, more or less, shown as Parcel 'C' on a map entitled "Map Of Lands To Be Dedicated, Abandoned And Renamed For Street Purposes", dated March 20, 2013, prepared by Jacek M. Szymanski, L.S., City Surveyor

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with conditions established by the City Planning Commission in its recommendations of April 22, 2013.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-126
(Int. No. 179)

Approving Increases In The Pavement Width Of Cataract Street

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

Section 1. The Council hereby approves an increase of 3 feet, from 10 feet to 13 feet, in the pavement width of Cataract Street, from 137 feet west of St. Paul Boulevard to St. Paul Boulevard, as a part of the Cataract and Platt Street Improvement Project.

Section 2. The Council hereby approves a transitional increase of 3 feet, from 10 feet to 13 feet, in the pavement width of Cataract Street, from 182 feet west of St. Paul Boulevard to 137 feet west of St. Paul Boulevard, as a part of the Cataract and Platt Street Improvement Project.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-127
(Int. No. 180)

Authorizing The Granting And Release Of Easements For The Cataract And Platt Street Improvement Project

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

Section 1. The Council hereby approves the granting to the High Falls Operating Co., LLC of a permanent easement for use of a portion of the former Platt Street.

Section 2. The Council hereby approves the granting to the High Falls Operating Co., LLC of a permanent easement to allow an existing en-

croachment over a portion of the former Platt Street.

Section 3. The Council hereby approves the release of an easement from the High Falls Operating Co., LLC for a vehicle turnaround over a portion of 25 Cataract Street.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-128
Re: Sale of 165 Court Street to Excellus Health Plan, LLC

Transmitted herewith for your approval is legislation authorizing the sale of City-owned land at 165 Court Street to Excellus Health Plan, LLC for the negotiated amount of \$1,390,000.

The parcel is currently leased to Excellus by the Rochester Urban Renewal Agency through a 99-year agreement executed in January 1997 with Finger Lakes Health Insurance Company, Inc., the corporate predecessor of Excellus. The lease agreement includes an option to purchase that is exercisable throughout the term of the lease. The agreement specifies that the purchase price will be the sum of \$3,550,000, less the amount of total cumulative rent paid at the time the option is exercised. Excellus has notified the City of their desire to exercise the purchase option.

To date, including the monthly installment of \$10,740 due on May 1, 2013, Excellus has paid \$1,836,259 to the City, leaving an outstanding balance of \$1,713,741.

Excellus has expressed interest in exercising the purchase option at a present value calculation of the remaining monthly payments. Absent any present value calculation, Excellus would just continue to make the monthly rent payments, according to the terms of the lease, until the aggregate amount of the total payments equals the purchase option price of \$3,550,000, at which time they would exercise the purchase option at \$0. Assuming a 2% rate of escalation in monthly payments, the \$3,550,000 amount would be reached in June 2025.

Using a present value rate of 3.5% (approximately the current taxable municipal bond rate), the present value of the remaining monthly payments equates to \$1,388,351. Excellus has offered to round that amount up to \$1,390,000.

Attached is a map of the parcel.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-78

Ordinance No. 2013-128
(Int. No. 151, As Amended)

**Approving The Sale By The Rochester Urban
Renewal Agency To Excellus Health Plan, LLC
Inc. Of 165 Court Street In The Washington
Square Urban Renewal Project**

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from Excellus Health Plan, LLC Inc. (hereinafter called "Redeveloper") for the purchase and redevelopment of 165 Court Street in the Washington Square Urban Renewal Project (hereinafter called "Parcel"), for commercial use; and

WHEREAS, a disposition price of \$1,390,000 for said Parcel has been established; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on May 14, 2013 to consider the proposed disposition of said Parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said Parcel by the Redeveloper and the terms of the disposition of said Parcel are satisfactory;
3. That disposition of said Parcel by negotiation is the appropriate method making the Parcel available for redevelopment;
4. That the Redeveloper possesses the qualifications and financial resources necessary to purchase and develop the Parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory;
5. That the proposed disposition price is a satisfactory price for the Parcel for use in accordance with the Urban Renewal Plan;
6. That the proposed disposition complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the sale of said Parcel and conditions established for redevelopment are satisfactory.

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcel and approves said Redeveloper as a qualified and eligible sponsor to

purchase and redevelop the Parcel.

Section 2. The Council hereby approves the method, option and disposition of said Parcel by the Agency to said Redeveloper.

Section 3. The Council hereby authorizes the disposition 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.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-129
Re: Agreement - 155 East Main LLC, South
Ave. Garage Parking

Transmitted herewith for your approval is legislation authorizing an agreement with 155 East Main LLC to provide parking in the South Avenue Parking Garage. 155 East Main LLC (members: Thomas Masaschi, Jeff Reddish, and Jason Teller) purchased the properties at 155-159 E. Main and 25 Stone Streets in 2009, and proposes to redevelop the property as a Hilton Garden Inn.

The agreement will provide for up to 30 designated spaces in the Stone Street section of the garage for exclusive use by registered overnight guests of the hotel. Also, up to 75 reserved parking spaces in the garage may be provided for hotel guests subject to 48-hour notice by the hotel operator.

Charges for the designated and reserved spaces will be comparable with the rates currently charged to the Hyatt Hotel for parking spaces. The daily rate charged to overnight guests of the hotel, currently \$4.00, is the monthly parking rate divided by 21. The term of the agreement will be for 22 years, commensurate with term of the Hilton Garden Inn lease with 155 East Main LLC, with an option for a 10-year renewal subject to Rochester City Council approval.

The proposed hotel will comprise 110,000 sq. ft., and will include up to 107 rooms, restaurant/bar, pool, fitness room, meeting rooms, and a business center. The \$18 million project will be funded as follows:

<u>Source</u>	<u>Amount</u>
American National Insurance Co.	\$11,000,000
Historic Tax Credits	3,376,000
NYS Regional Council	250,000
City Main St. Assistance Program Loan	400,000
City Main St. Assistance Program Grant	350,000

Equity	2,624,000
Total	\$18,000,000

Construction is expected to commence in summer 2013 and be completed within 24 months. The project will create over 100 construction jobs. The developer has committed to a goal of 20% of total dollar amount of contracts to go to Minority, Women, and/or Disadvantaged Business Enterprises. They will also have a workforce hiring goal of 20% minorities and 6.9% women.

The project will also create 45-50 permanent jobs. For any new jobs at the premises, the employer will give first priority to hiring city residents who are at low/moderate income levels, as long as such applicants meet the qualifications established for the job openings. The employer will work with the appropriate job training agencies to recruit, interview, and hire job applicants.

In July 2012, the County of Monroe Industrial Development Agency approved benefits for the project that included a sales tax exemption for furnishings and equipment, and a 19-year Payment-In-Lieu-of-Taxes agreement for the property.

Action by the Rochester Urban Renewal Agency is also required.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-129
(Int. No. 165)

Authorizing An Agreement For Parking Rights In 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 an agreement with 155 East Main LLC for parking rights in the South Avenue Parking Garage for guests of the proposed Hilton Garden Inn at 155-159 East Main Street and 25 Stone Street. The agreement will provide for up to 30 designated spaces on the Stone Street section of the garage for exclusive use by registered overnight guests of the hotel. Up to 75 reserved parking spaces in the garage may also be provided for hotel guests subject to 48 hour notice by the hotel operator. The initial term of the agreement shall be twenty-two years, with one option for a ten-year renewal, subject to City Council approval prior to renewal. Parking charges for the designated and reserved spaces shall be consistent with the rates charged to the Hyatt Hotel for such comparable spaces.

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

Section 3. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-130 and
Ordinance No. 2013-131
Re: Zoning Map Amendment - 683 Elmwood
Avenue and 1401 Mt. Hope Avenue,
Collegetown

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning a small portion of the property at 683 Elmwood Avenue from C-V Collegetown Village District to Planned Development #10 (PD#10 - University of Rochester), and a small portion of 1401 Mt. Hope Avenue from PD#10 to C-V Collegetown Village District. The rezoning has been requested by the City Planning Commission in conjunction with the Collegetown Project in order to more accurately reflect property uses.

A parking garage is planned for the project and extends over the existing zoning district boundary line separating the PD#10 and the C-V district at 683 Elmwood Avenue. The parking garage complies with the requirements of the PD#10 district regulations, and the rezoning will place it entirely within that district.

A portion of 100 Crittenden Boulevard (Goler House) was combined with the 1401 Mt. Hope Avenue Collegetown development parcel. The requested rezoning from PD#10 to C-V Collegetown Village District will result in a consistent designation for the entire parcel.

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 overall Collegetown Project proposal was classified as a Type 1 Action. An environmental determination/negative declaration for the Collegetown project was issued in November 2012.

The Planning Commission held an informational meeting on April 22, 2013. There was one speaker in support, and none in opposition. By a vote of 4-0, the Planning Commission recommends approval to City Council. The minutes and decision from that meeting are attached.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-79

Ordinance No. 2013-130
(Int. No. 167)

Changing The Zoning Classification Of A

Portion Of 683 Elmwood Avenue From C-V Collegetown Village To PD #10-University Of Rochester City Campus

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting a portion of 683 Elmwood Avenue, from C-V Collegetown Village to PD #10-University of Rochester City Campus:

Beginning at a point in the Southerly Right of Way for Elmwood Avenue at its intersection with the division line between lands now or formerly of Tax Parcel ID 136.53-1-2 on the east and lands now or formerly of Tax Parcel ID 136.53-1-1 on the west; thence

- 1) N 86°32'42" E along the said Southerly Right of Way a distance of 56.76 feet to a point; thence

Through the lands of Ta Parcel ID 136.53-1-2 the following courses and distances

- 2) S 4°02'35" E a distance of 127.08 feet to a point; thence
- 3) Along an arc a distance of 19.63 feet, having a radius of 25.00 feet, the chord bearing of which is S 26°32'35" E and a cord distance of 19.13 feet to a point; thence
- 4) S 49°02'35" E a distance of 1.61 feet to a point; thence
- 5) Along an arc a distance of 7.85 feet, having a radius of 10.00 feet, the chord bearing of which is S 26°32'35" E a cord distance of 7.65 feet to a point; thence
- 6) S 4°02'35" E a distance of 6.45 feet to a point; thence
- 7) Along an arc a distance of 13.45 feet, having a radius of 10.00 feet the chord bearing of which is S 34°29'24" W a cord distance of 12.46 feet to a point; thence
- 8) S 4°02'35" E a distance of 114.09 feet to a point; thence
- 9) S 85°57'25" W a distance of 14.68 feet to a point; thence
- 10) S 4°05'41" E a distance of 139.31 feet to a point; thence
- 11) S 85°57'25" W a distance of 50.13 feet to a point in the aforementioned division line; thence
- 12) N 3°27'42" W along said division line a distance of 423.16 feet to the POINT OF BEGINNING.

The above described parcel contains 0.553 acres (24,081 sq. ft.)

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of a professional relationship.

Ordinance No. 2013-131
(Int. No. 168)

Changing The Zoning Classification Of A Portion Of 1401 Mt. Hope Avenue From PD #10-University Of Rochester City Campus 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 parcel, constituting a portion of 1401 Mt. Hope Avenue, from PD #10-University of Rochester City Campus to C-V Collegetown Village:

Beginning at a point in the Northerly Right of Way for Crittenden Boulevard at its intersection with the division line between lands now or formerly of Tax Parcel ID 136.53-1-6 on the east and lands now or formerly of Tax Parcel ID 136.53-1-8 on the west; thence

- 1) N 16°48'15" E along said division line a distance of 471.21 feet to a point in the division line between lands now or formerly of Tax Parcel ID 136.53-1-2 on the north and lands now or formerly of Tax Parcel ID 136.53-1-8 on the south; thence
- 2) S 86°33'54" W along said division line a distance of 168.61 feet to a point; thence
- 3) S 3°28'44" E through the lands of Tax Parcel ID 136.53-1-8 distance of 357.28 feet to a point; thence
- 4) S 7°01'38" E continuing through the lands of Tax Parcel ID 136.53-1-8 a distance of 85.00 feet to the POINT OF BEGINNING.

The above described parcel contains 0.877 acres (38,212 sq. ft.)

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-132 and
Ordinance No. 2013-133

Re: Establishing Planned Development
District #15 - Culver Road Armory

Transmitted herewith for your approval is legislation establishing a Planned Development District for the Culver Road Armory campus, which consists of two parcels at 145 Culver Road and 56 Hinsdale Street, and is owned by Whitney Baird Associates, LLC. This legislation will:

1. Amend the Zoning Text by adding PD#15 Culver Road Armory Planned Development District regulations to Chapter 120, the Zoning Code, and approve the related Development Concept Plan/Site Plan.
2. Amend the Zoning Map by rezoning two parcels at 145 Culver Road and 56 Hinsdale Street from R-1 Low Density Residential to Planned Development District #15 Culver Road Armory.

These two parcels are currently zoned R-1 Low Density Residential, which limits development to residential uses. The Armory was redeveloped under the nonconforming use provisions of the Zoning Code. The proposed regulations would allow for the further development of the Armory campus with mixed commercial and residential uses. When the build-out of the Armory and the site are completed, the proposed PD#15 district will include:

- The armory building has been renovated and provides approximately 100,000 square feet for mixed use (office, retail, and restaurant).
- The existing large garage building located north of the Armory is proposed to be enlarged with a two-story, 32,500 square foot addition for mixed use (office, retail and gallery space).
- An existing smaller garage will remain for parking and equipment storage.
- A 5-story, 10-unit condominium building on the far western portion of the site, with a garage beneath and 20 surface parking spaces is proposed.
- 500 existing surface parking spaces.
- 48 existing surface parking spaces will be landscaped and reserved for future parking

use if needed.

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

The Planning Commission held an informational meeting on April 22, 2013. Four people spoke in support, and no one spoke in opposition. By a vote of 4-0, the Commission recommended approval. The minutes of that meeting are attached.

The regulations would take effect immediately upon Council approval.

A public hearing is required for the amendments.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-80

Ordinance No. 2013-132
(Int. No. 169)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The PD#15-Culver Road Armory As Planned Development District No. 15

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. 15-Culver Road Armory and approving the Development Concept Plan for the PD#15-Culver Road Armory, constituting the parcels at 145 Culver Road and 56 Hinsdale Street, to read in its entirety as follows:

Planned Development District #15
Culver Road Armory

A. Purpose

The intent of the Culver Road Armory Planned Development District is to provide a plan for the unified and integrated development of the Culver Road site. The district is intended to protect and sustain the viability of the historic Armory building, create a campus that promotes a mixed use environment distinctive to urban areas and protect the residential and pedestrian character of the adjacent neighborhood and the recreational character of Cobbs Hill Park.

B. Permitted Uses

The Culver Road Planned Development District is comprised of three separate buildings as depicted on the Development Concept Plan/Site Plan (Building I, Building II and

Building III).

- 1) All of the following uses are permitted in Buildings I and II. For non-residential uses, all activities shall occur within a completely enclosed building, and the hours of operation shall be limited to 6:00 am to 2:00 am.
 - a. Multifamily dwellings.
 - b. Dwelling units when part of a mixed use development with other permitted commercial uses.
 - c. Live-work space subject to the additional requirements for specified uses in Chapter 120-142.1 of the Zoning Code.
 - d. Offices.
 - e. Retail Sales and Services, low-impact, specialty and full-line food.
 - f. Bars, restaurants and banquet facilities.
 - g. Entertainment.
 - h. Arts and cultural displays and sales.
 - i. Garage, storage, maintenance space, decks and patios accessory to the uses permitted in the district.
 - j. Health clubs and similar facilities.
 - k. Day care centers subject to the additional requirements for specified uses in Chapter 120-135 of the Zoning Code.
 - l. Banks.
- 2) The following uses are permitted in Building III.
 - a. Multifamily dwellings.
- 3) Outdoor seating areas and activities accessory to a non-residential use, excluding entertainment, operating between the hours of 6:00 am and 12:00 am (midnight).

C. Temporary Uses

- 1) Temporary Uses shall be subject to the requirements listed in Section 120-149 of the Zoning Code with the exception that the Director of Planning and Zoning may approve up to five (5) temporary uses per calendar year.

D. Special Permit Uses

- 1) Outdoor seating areas and activities accessory to a non-residential use, excluding entertainment, operating between the hours of 12:00 am (midnight) and 2:00 am.

- 2) Retail Sales and Services, high-impact, operating between the hours of 6:00 am and 2:00 am.
- 3) Any temporary use which exceeds five (5) occurrences per calendar year.

E. Lot Coverage, Open Space and Height Requirements

- 1) Lot Coverage and Open Space shall be determined as set forth in the Development Concept Plan/Site Plan.
- 2) Building Height.
 - a. Maximum building height for Buildings I and II shall be two (2) stories.
 - b. Maximum building height for Building III shall be six (6) stories.

F. Parking and Loading Requirements

- 1) Parking.
 - a. Maximum parking spaces for all uses in the district shall be 600. This cap is based on the uses presented in the development concept plan/site plan for Buildings I, II and III. Any changes to the uses presented in the development concept plan/site plan for Buildings I and II will require a parking demand analysis to substantiate that the parking available is sufficient to accommodate the new uses.
 - b. Parking shall be restricted to the parking areas shown on the Development Concept Plan/Site Plan. Parking shall not be constructed in areas proposed for building construction and/or open space.
 - c. Parking shall comply with the parking lot design and maintenance standards set forth in Chapter 120-173 of the Zoning Code.
- 2) Loading.
 - a. Loading shall comply with the requirements set forth in Section 120-172 of the Zoning Code.

G. Signage

- 1) A sign program shall be developed for the district which will include building and/or tenant identification, way finding and event promotion. The sign program shall be subject to site plan review approval by the Director of Planning and Zoning.

H. Other

- 1) This Planned Development is subject to the requirements set forth in Article XVII of the Zoning Code regarding Planned Development.

opment Districts.

- 2) Uses in PD #15 are subject to Requirements Applying to All Districts (Article XX) except where they are superseded by the regulations set forth in this District.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-133
(Int. No. 170)

Changing The Zoning Classification Of 145 Culver Road And 56 Hinsdale Street From R-1 Low Density Residential To PD #15-Culver Road Armory

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 145 Culver Road and 56 Hinsdale Street, from R-1 Low Density Residential to PD #15-Culver Road Armory:

ALL THAT TRACT OR PARCEL OF LAND containing 10.394 acres more or less, situate in the Phelps and Gorham Purchase, Township 13, Range 7, Town Lot 44, City of Rochester, County of Monroe, and State of New York, as shown on the drawing entitled "Culver Road Armory, Instrument Survey of 145 Culver Road & 56 Hinsdale Street," prepared by BME Associates, having drawing number 2293-16, last revised October 15, 2010, being more particularly bounded and described as follows:

Beginning at a 1" steel pin at the intersection of the northerly right-of-way line of Hinsdale Street (50' Right-of-Way) with the easterly boundary line of lands now or formerly of Theresa M. Zink (T.A. No. 122.61-01-39); thence

- 1. N 21°53'52" E, a distance of 101.05 feet to a point; thence
- 2. N 88°37'22" W, a distance of 683.97 feet to a point; thence
- 3. N 77°28'45" W, a distance of 108.78 feet to a point; thence
- 4. N 71°36'31" W, a distance of 99.62 feet to a point; thence
- 5. N 22°24'25" E, a distance of 222.79 feet to a point; thence
- 6. N 81°17'25" E, a distance of 144.16 feet to a point; thence
- 7. N 83°53'52" E, a distance of 194.04 feet to a point; thence

- 8. N 88°11'52" E, a distance of 305.00 feet to a point; thence
- 9. N 78°54'52" E, a distance of 300.48 feet to a point; thence
- 10. N 82°10'52" E, a distance of 351.76 feet to a point; thence
- 11. S 04°31'08" E, a distance of 45.15 feet to a point; thence
- 12. S 21°53'52" W, a distance of 529.22 feet to a point; thence
- 13. N 88°44'38" W, a distance of 328.03 feet to the Point of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-134
Re: Zoning Map Amendment - Eight Properties On Mt. Hope Avenue, Gregory Street, And Hickory Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning eight properties from R-2 Medium Density Residential to C-1 Neighborhood Commercial District. The subject properties are:

- 348, 364-368, 378, 382, 392-394, 420 Mt. Hope Avenue
- 22 Gregory Street
- 3 Hickory Street

The applicant owns and operates a business at 378 Mt. Hope Avenue; he also owns the properties at 364-368 Mt. Hope Avenue and 3 Hickory Street which are the parking lots associated with this business. The applicant is requesting to rezone these properties to C-1 Neighborhood Commercial so that he can sell his building for the purpose of establishing a micro-brewery at this location, which is not permitted under the current residential zoning.

This request prompted Zoning staff to evaluate other properties along this stretch of Mt. Hope Avenue, which had been zoned C-2 prior to the 2003 downzoning to R-2. These properties, which are all commercial buildings located directly across the street from the Center City District, are included in this rezoning request. This will create a small C-1 Commercial Zone which will allow the uses and structures on these eight properties to once again be conforming, while at the same time restricting the types of commercial uses that can be established there in the future.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, April 22, 2013. Four people spoke in support of the rezoning; no one spoke in opposition. By a vote of 4-0, the Planning Commission recommended approval. The minutes and decision from that meeting are attached.

The rezoning would take effect immediately upon Council approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-81

Ordinance No. 2013-134
(Int. No. 171)

Changing The Zoning Classification Of 348, 364-368, 378, 382, 392-394 And 420 Mt. Hope Avenue, 22 Gregory Street And 3 Hickory Street From R-2 Medium Density Residential To C-1 Neighborhood Commercial

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 348, 364-368, 378, 382, 392-394 and 420 Mt. Hope Avenue, 22 Gregory Street and 3 Hickory Street, from R-2 Medium Density Residential to C-1 Neighborhood Commercial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lots 13 & 14, 3rd Division, Township 13, Range 7, and being more particularly bounded and described as follows: Beginning at the intersection of the centerline of Mt. Hope Avenue (66' ROW) and the westerly extension of the north line of Lot 1 of the Charles W. Weis Subdivision, as filed in the Monroe County Clerk's Office in Liber 53 of Maps, Page 22, said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said extension and the north line of Lot 1, a distance of 126.0 feet, more or less, to the northeast corner thereof; thence
- 2) Southerly, along the rear line of said Lot 1 and its extension, a distance of 49 feet, more or less, to the centerline of Hickory Street (60' ROW); thence
- 3) Easterly, along said centerline of Hickory Street, a distance of 3 feet, more or less, to the northerly extension of the east line of Lot B of the Samuel Culton Subdivision, as filed in the Monroe County Clerk's Office in

Liber 68 of Maps, Page 1; thence

- 4) Southerly, along said extension and the east line of Lot B, a distance of 180.0 feet, more or less, to the southeast corner thereof; thence
- 5) Westerly, along the south line of said Lot B, a distance of 43.98 feet to the southwest corner thereof and the east line of Lot 36 of the Munger Tract, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 65; thence
- 6) Southerly, along the said east line of Lot 36 & 35 of the Munger Tract, a distance of 87.7 feet, more or less, to the northeast corner of Lot 4 of the J. Thompson Jr. Subdivision (no recording data) ; thence
- 7) Westerly, along the north line of said Lot 4, a distance of 30.0 feet to the northwest corner thereof; thence
- 8) Southerly, along the west line of said Lot 4 and it's extension, a distance of 133 feet, more or less, to the centerline of Gregory Street (60' ROW); thence
- 9) Westerly, along said centerline of Gregory Street, a distance of 62 feet, more or less, to the northerly extension of the west line of Lot R-1 of the Munger Tract Resubdivision, as filed in the Monroe County Clerk's Office in Liber 267 of Maps, Page 36; thence
- 10) Southerly, along said extension and the west line of Lot R-1, a distance of 130.0 feet to the southwest corner thereof; thence
- 11) Westerly, along the south line of lands conveyed to Zhen Lin & Fang Shu by a deed filed in Liber 11044 of Deeds, Page 393, a distance of 46.5 feet to an angle point; thence
- 12) Southerly, continuing along the lands of Lin & Shu, a distance of 22.6 feet to an angle point; thence
- 13) Westerly, continuing along the south line of lands of Lin & Shu and its extension, a distance of 167 feet, more or less, to the said centerline of Mt. Hope Avenue; thence
- 14) Northerly, along said centerline of Mt. Hope Avenue, a distance of 684 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-135 and
Ordinance no. 2013-136

Re: Amending The City Code - Certificate Of Occupancy And Lead-Based Paint Poisoning Prevention

Transmitted herewith for your approval is legislation amending section 90-16 of the City Code, Certificates of Occupancy (C of O), and Chapter 90, Article III, Lead-Based Paint Poisoning Prevention to accomplish the following:

1. Incorporate all necessary standards within the Lead-Based Paint Poisoning Prevention Code itself, thereby ending its current dependency on EPA standards.
2. One- and two-family dwellings that are located in the high risk area (as defined in Section 90-55 of the Code) and that have been found to have interior deteriorated paint violations will be required to renew their C of O in three years (instead of the current six) if temporary remediation was used to correct the hazard.
3. Establish authority for the City to perform audits for all third party lead clearance providers and establish procedures and due process requirements for any necessary administrative actions relating to the providers.
4. Clarify the following aspects:
 - Allowing occupancy of an applicable rental property without a valid C of O is a violation.
 - The City has the right to seek an Inspection Warrant regardless of whether or not a required C of O application has been received.
 - The definition of a dwelling unit, and specifying which portion of the interior of the structure is subject to requiring third party lead clearance testing as a remedy to abate an interior deteriorated paint violation.

These changes are primarily technical in nature and come as a result of the past six years of lead violation experience and data, and recent court challenges. These changes will provide the City with the necessary tools to enforce the relevant sections of code, enhance the protection of city children from lead poisoning, and codify current lead inspection procedures to provide clarity and to better serve our customers.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-82

Councilmember Palumbo moved to discharge Int. No. 133 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

Councilmember Palumbo moved to amend Int. No. 133.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2013-135
(Int. No. 133, As Amended)

Amending Chapter 90 Of The Municipal Code, Property Code, With Respect To Certificates Of Occupancy

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

Section 1. Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further amended as follows:

- a. Section 90-16, Certificates of Occupancy, is hereby amended by amending subsection A(1) to read in its entirety as follows:
 - (1) No person shall permit the occupancy of a one-family rental dwelling, a building containing two or more dwelling units, or a mixed occupancy building containing one or more dwelling units, unless a valid certificate of occupancy is in effect for said building. If such a building is occupied in violation of this section, a ticket may be served on the owner of the building. The violation shall be considered a high level violation for which the penalties set forth in §13A-11D(1)(c) of the Municipal Code shall apply.
- b. Section 90-16, Certificates of Occupancy, is hereby amended by amending the introductory phrase to subsection B(1) to read as follows:
 - (1) The Commissioner shall waive the requirement for obtaining a new certificate of occupancy when title is transferred in any of the following manners, provided that a valid Certificate of Occupancy is then in effect for said building:
- c. Section 90-16, Certificates of Occupancy, is hereby amended by amending subsection H(1)(a) to read in its entirety and by adding a new subsection H(1)(c) to read as follows:
 - (a) A Certificate of Occupancy for either a one-family dwelling or a two family dwelling not occupied by the owner, or the spouse, child, parent or sibling of the owner, issued on or after July 1, 2006, shall remain valid for a period of six years from the date of issuance, unless sooner terminated pursuant to Subsec-

- tion H(1)(c) or by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b), or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.
- (c) A Certificate of Occupancy for either a one-family dwelling or a two-family dwelling not occupied by the owner, or the spouse, child, parent or sibling of the owner, issued on or after January 1, 2014, which is located in the "High Risk Area", as defined in §90-55 of the Municipal Code, and where an interior deteriorated paint violation was identified and corrected by applying interim controls, shall remain valid for a period of three years from the date of issuance, unless sooner terminated by the occurrence of any of the events enumerated in Subsection A(2)(a) or (b), or the failure of the dwelling to remain in substantial compliance with the provisions of this chapter and all other applicable laws, ordinances and rules.
- d. Section 90-16, Certificates of Occupancy, is hereby amended by repealing subsections A(3) and H(2), and by replacing them with the following new subsections:
- J. Renewal. The owner of record shall apply for and obtain a new Certificate of Occupancy within 90 days prior to the expiration or termination of a valid Certificate of Occupancy pursuant to Subsections A(2) or H(1) herein.
- K. Warrants. The Director and Commissioner shall each have the authority to seek inspection warrants, pursuant to Article I, Part B of the Charter of the City of Rochester, where the same are constitutionally required, regardless of whether an application for a Certificate of Occupancy has been submitted.
- L. Remedies. When a Certificate of Occupancy is required, unless a valid certificate of occupancy is in effect for said building, the Director or Commissioner may order occupants of the building to vacate the building, may serve a ticket on the owner of the building, which shall be a high level violation for which the penalties set forth in §13A-11D(1)(c) of the Municipal Code shall apply, or may pursue any other penalty or remedy set forth in this Chapter or Chapter 52 of the Municipal Code, or any other penalty or remedy provided by law.
- e. Section 90-16, Certificates of Occupancy, is hereby amended by redesignating subsection I(2) as subsection M, and amending it to read as follows:
- M. Voiding existing Certificate of Occupancy. Whenever violations of the Property Conservation Code, Building Code, Fire Prevention Code, Zoning Code or any applicable law, ordinance or rule are discovered, and those violations affect the structure's substantial compliance with the applicable law, ordinance or rule, an existing Certificate of Occupancy may, at the discretion of the Commissioner or Director, be declared null and void. If such declaration is made, the Commissioner or Director may order occupants of the building to vacate the building through notification to the owner(s) and the occupants of the property, in writing, in the same manner as the service of a notice and order, as set forth in §52-6 of the Municipal Code, unless an emergency exists in which case an immediate vacate may be ordered.
- f. Section 90-16, Certificates of Occupancy, is hereby amended by relettering subsection J as subsection N.

Section 2. This ordinance shall take effect on ~~May~~ June 1, 2013.

Strikeout material deleted: underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Palumbo, Scott, Spaul - 7.

Nays - Councilmember Miller, Ortiz - 2.

Councilmember Palumbo moved to discharge Int. No. 134 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Councilmember Palumbo moved to amend Int. No. 134.

The motion was seconded by Councilmember Haag.

The motion was adopted unanimously.

Ordinance No. 2013-136
(Int. No. 134, As Amended)

Amending Article III, Lead-Based Paint Poisoning Prevention, Of Chapter 90 Of The Municipal Code, Property Code

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

Section 1. Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of the Municipal Code, Property Code, as amended, is hereby further

amended as follows:

- (a) Section 90-52, Definitions, is amended by adding or amending the following definitions to read as follows, and by repealing the definition of Soil Lead Hazard, with the definitions not amended or repealed herein retained as currently found in the Section:

CERTIFIED - Licensed or certified to perform such activities as risk assessment, lead-based paint inspection, lead dust wipe tests or abatement supervision by the United States Environmental Protection Agency (EPA) in accordance with 40 CFR Part 745, Subpart L. Any individual who has been licensed or certified by EPA will be approved as certified by the City for the purpose of performing such licensed activities, provided that such approvals are subject to suspension or revocation after a finding of non-responsibility by the Director pursuant to §90-57(I).

CERTIFIED LEAD-BASED PAINT INSPECTOR - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, and certified by EPA pursuant to 40 CFR 745.226 to conduct lead-based paint inspections, whose approval to conduct such inspections in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I). A certified lead-based paint inspector also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CERTIFIED LEAD DUST WIPE TECHNICIAN - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, and certified by EPA pursuant to 40 CFR 745.226 to conduct lead dust wipe tests, whose approval to conduct such dust wipe tests in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I).

CERTIFIED RISK ASSESSOR - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, and certified by EPA pursuant to 40 CFR 745.226 to conduct risk assessments, whose approval to conduct such risk assessments in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I). A certified risk assessor also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CHEWABLE SURFACE - An interior or exterior accessible painted surface that a young child can mouth or chew. Hard metal substrates and other materials that cannot be dentured by the bite of a young child are not considered chewable.

DUST-LEAD HAZARD - Surface dust that contains a dust-lead loading (area concentration of lead) at or exceeding the levels listed in §90-57D.

DWELLING UNIT -

- A. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; or
- B. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower; or
- C. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

For the purposes of this definition, a basement or attic that is accessible from inside a dwelling unit is considered to be part of the dwelling unit. Common areas and basements and/or attics that are only accessible through a common area or from the exterior of the property are not considered to be part of the dwelling unit.

INTERIM CONTROLS - A set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment and specialized cleaning.

LEAD SAMPLING TECHNICIAN - An individual who has been trained by an accredited training program, as defined by 40 CFR 745.223, to conduct lead dust wipe tests, whose approval to conduct such dust wipe tests in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(I).

RENOVATION REPAIR & PAINTING RULE (RRP) CERTIFICATION - EPA required certification for all home improvements contractors, property management firms, handymen or others compensated for renovation work that involves window replacement or that disturbs more than six square feet of interior and/or twenty square feet of exterior paint or surface coating in pre-1978 residential housing and child occupied facilities. This EPA requirement also applies to landlords working on rental properties. The individual must complete training, use safe work practices and verify that the work area is clean after completion of renovations.

VISUAL ASSESSMENT - A visual examination of all surfaces within the dwelling unit, including any basement and/or attic as per the definition of a dwelling unit. A visual assessment shall not be considered to be complete if the examining individual is locked out or otherwise prevented from inspecting any room or space within the dwelling unit. For the purpose of determining whether or not a deteriorated paint

violation is interior or exterior as it relates to windows, in addition to that portion of the window component that faces the interior, all exterior facing portions of the window component, with the exception of the exterior frame or trim, is considered to be interior.

WIPE SAMPLE - A sample collected by wiping a representative surface of known area, as determined by §90-57, with an acceptable wipe material as defined in ASTM E 1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."

- (b) Section 90-54, Violations, is amended by amending subsections A and D to read in their entirety as follows:

A. Deteriorated paint violation. The interior and exterior of any residential building on which the original construction was completed prior to January 1, 1978, and the exterior of any nonresidential structure on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint thereon does not become deteriorated paint, unless the deteriorated paint surfaces total no more than:

- (1) Twenty square feet on exterior surfaces;
- (2) Two square feet in any one interior room or space; or
- (3) Ten percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

For the purpose of determining whether or not a deteriorated paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that face the interior, all exterior facing portions of the window component, with the exception of the exterior frame or trim, is considered to be interior.

D. Dust sample violation. A dust sample violation shall be cited upon a failure by an owner of a property to timely cause dust samples to be taken and certified test results to be submitted to the Department in accordance with the procedures set forth in § 90-55 and §90-57 of this article.

- (c) Section 90-55, Inspections for violations, is amended to read in its entirety as follows:

Section 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 interior 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 §90-57(B) to determine whether a dust-lead hazard exists. For the purpose of determining whether or not a deteriorated paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that face the interior, all exterior facing portions of the window component, with the exception of the exterior frame or trim, is considered to be interior. The owner shall be given 60 days to cause the dust samples to be taken and to submit all certified test results to the Department. 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. 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.

- (d) Section 90-56, Remedy for violations, is amended by amending subsection B to read as follows, and by repealing subsection C and by relettering subsection D as subsection C to read as follows:

B. Certification by a lead-based paint inspector or risk assessor that all cited violations of §90-54, Violations, have been abated, or interim controls implemented, and clearance has been achieved in accordance with standards found in §90-57; provided, however, that the property has been inspected pursuant to those standards since the deteriorated paint or dust-lead hazard violation was last cited, including a full visual assessment.

C. Where exterior deteriorated paint violations, including deteriorated paint violations on an open porch, and/or bare soil violations are cited, or where interior deteriorated paint violations are cited in a common area, as per the definition of a dwelling unit, clearance may be established through a visual assessment by a City inspector after reduction measures have been implemented.

- (e) Section 90-57, Standards for clearance examination and report, is amended to read in its entirety as follows:

Section 90-57. Standards for clearance examination and report.

The remedy available through §90-56B and the dust sampling required by §90-55 shall require the following certification of clearance standards:

A. Qualified personnel. Certification of clearance shall be issued by:

- (1) A certified risk assessor; or
- (2) A certified lead-based paint inspector.

B. Required activities.

- (1) An examination shall include a full visual assessment, dust sampling, submission of samples for analysis for lead, interpretation of sampling results, and preparation of a report. Examinations shall be performed in all dwelling units in accordance with this section.
- (2) A full visual assessment of every area of the subject dwelling unit shall be performed to determine if deteriorated paint and/or visible amounts of dust, debris, paint chips or other residue are present. Interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint and visible dust, debris, paint chips or residue are present, they must be eliminated prior to the continuation of the clearance examination.
- (3) Dust samples shall be wipe samples and shall be taken on floors, excluding open porches, and interior windowsills and window troughs that have a paint history. Dust samples shall be collected and analyzed in accordance with this section.
 - (a) Dust samples shall be taken from each of no more than four rooms. The selection of rooms to be tested, where applicable, shall include no less than one bedroom and the living room. At least one wipe sample shall be taken from a window trough or a window sill with a paint history, if present, and one from a floor in each room. Where there are less than four rooms, then all rooms shall be sampled.
 - (b) Dust samples shall be collected by persons authorized and/or certified by EPA as a lead inspector, risk assessor, dust wipe technician, or lead sampling technician whose approval to conduct such dust wipe tests in the City is not subject to suspension or revocation after a finding of non-responsibility pursuant to §90-57(l).

(c) The method for collecting dust samples shall include:

- [1] Laying out the sample area by using a template or tape to outline the area;
- [2] Label each tube with its own identification number to be recorded on the sample collection form;
- [3] Put on clean gloves before taking each sample, do not touch anything other than the wipe after putting on the gloves;
- [4] Use an unused wipe to sample the entire area inside the template or tape as follows:
 - [a] Starting in the upper corner of the sample area, use a side to side motion, wiping the entire area, pressing firmly with your fingers;
 - [b] Fold the wipe sample in half, dirty side in;
 - [c] With the clean side of the sample and starting at the upper corner, use a top to bottom motion, wiping the entire area, pressing firmly with your fingers;
 - [d] Fold the wipe sample in half again, dirty side in;
 - [e] With the clean side of the sample, wipe around the entire perimeter, cleaning the corners, fold the sample; and
 - [f] Place the folded wipe sample in the tube.
- [5] Write down the measurements of the sample area on the collection form;
- [6] Clean the sampling equipment after each wipe sample is taken;
- [7] Forward wipe samples to an authorized laboratory.

(d) Dust samples shall be analyzed by a laboratory recognized by EPA pursuant to section 405(b) of TSCA as being capable of performing analysis for lead compounds in dust samples.

- C. Report. The clearance examiner shall ensure that an examination report is prepared that provides documentation of the examination.
- (1) The report shall include the following information:
 - (a) The address of the residential property and, if only part of a multifamily property is affected, the specific dwelling units and common areas affected;
 - (b) The date(s) of the examination;
 - (c) The name, address, and signature of each person performing the examination, including their EPA certification number;
 - (d) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;
 - (e) The results of the analysis of dust samples, in ug per square foot, by location of sample; and
 - (f) The name and address of each laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under Section 405(b) of the Toxic Substances Control Act (15 U.S.C. §2685(b)).
- D. Clearance standards. Where dust sampling is required by §90-55 or where an interior deteriorated paint or dust-lead hazard violation has been cited in a dwelling unit, the following dust-lead standards shall be met before a Certificate of Occupancy may be issued or a violation removed.
- (1) Dust sample results shall be less than:
 - (a) 40 ug/ft² for floors;
 - (b) 250 ug/ft² for window sills; and
 - (c) 400 ug/ft² for window troughs.
 - (2) Where dust sample results are greater than or equal to the levels above, additional dust wipe samples shall be taken in the subject areas until all said areas are found to be below the listed thresholds.
- E. Validity of wipe test results. For the purposes of meeting the requirement in §90-55, the results of all successful wipe tests shall be valid for a period of three (3) years, unless a subsequent inspection of the dwelling unit identifies an interior deteriorated paint violation, which would immediately cause the previous wipe test results to be invalid.
- F. Requirement to avoid conflict of interest regarding clearance inspection. All examinations shall be performed by persons or entities independent of those performing hazard reduction or maintenance activities.
- G. This section shall not apply to the situations set forth in §90-56C.
- H. As part of the Department's efforts to ensure consistency and compliance with the required clearance standards, random audits will be performed on all third party lead clearance providers. Non-random audits may also be performed based on a reasonable suspicion that a third party lead clearance provider is not providing proper tests, including, but not limited to, complaints received about the provider or about a specific property inspected by the provider. If the results indicate non-compliance with these standards, the Director may take whatever action is necessary as set forth in subsection I of this section.
- I. Rejection of clearance examination report/nonresponsibility of issuer.
- (1) The Director of Inspection and Compliance Services, or the Director's designee, is authorized to reject a lead clearance examination report that does not meet the requirements set forth herein, or that is found after an inspection to not substantially represent the conditions present at the premises for which the report was prepared. The reasons for the rejection shall be set forth in writing to the issuer of the report and to the owner of the property to which the report pertains.
 - (2) No lead clearance examination report shall be accepted from an issuer who does not meet the qualifications set forth herein or who has been found by the Director or the Director's designee to be nonresponsible.
 - (3) The Director shall inform an issuer in writing of a nonresponsibility determination and the reasons therefor.
 - (4) Upon making a nonresponsibility determination, the Director may bar the issuer and affiliated organizations, as further set forth herein, from submitting lead clearance reports to the City for a period of not to exceed three years. If a corporation is found to be a nonresponsible issuer, that finding may be applied to a parent, affiliate or subsidiary corporation, if the Director finds that an officer, director or person directly or indirectly controlling 10% or more of the stock of the corporation found to be nonresponsible is an officer, director or person directly or indi-

rectly controlling 10% or more of the stock of the parent, affiliate or subsidiary corporation. If an unincorporated association is found to be non-responsible, that finding may be extended to other related associations upon a finding by the Director that the related associations have substantially the same ownership, management or operating personnel.

- (5) Guidelines for nonresponsibility determinations. In determining the nonresponsibility of an issuer, the Director shall consider:
- (a) The record of performance of the issuer, including but not limited to lack of adequate expertise, prior experience with lead clearance examinations or lack of ability to perform the clearances in a timely, competent and acceptable manner. Evidence of such a lack of ability to perform may include, but shall not be limited to, evidence of suspension or revocation for cause of any professional license of any director or officer, or any holder of 5% or more of the issuer's stock or equity; suspension or debarment by the state or federal government; or a history of lead clearance examinations that do not meet federal, state or City requirements.
 - (b) The record of integrity of the issuer.
 - (c) The availability to the issuer of the necessary organization, experience, operational controls and technical skills, and the necessary technical equipment and facilities required for performance of the clearance examinations.
 - (d) The compliance by the issuer with any special or general standards of responsibility.
 - (e) The compliance by the issuer with standards which may be established by the Director pursuant to rule or regulation.
 - (f) Criminal conduct in connection with lead clearance examinations, government contracts or business activities. Evidence of such conduct may include a judgment of conviction or information obtained as a result of a formal grant of immunity in connection with a criminal prosecution of the issuer, any director or officer, or holder of 5% or more of the shares or equity of the issuer or any affiliate of the issuer.
 - (g) Violations of the Labor Law.
 - (h) Violations of the Environmental Conservation Law or other federal or state environmental statutes or regulations.
 - (i) Any other cause of so serious or compelling a nature that it raises questions about the responsibility of a issuer, including, but not limited to, submission to the City of a false or misleading statement in connection with a lead clearance examination.
 - (j) In addition to the factors specified above, the Director may also give due consideration to any other factors considered to bear upon issuer responsibility, including but not limited to, any mitigating factors brought to the City's attention by the issuer.
- (6) The Director may develop rules and regulations to implement these guidelines, and may request a sworn statement of issuer qualifications to gather the necessary information set forth herein. The Director may use the information contained in the response to the sworn statement in making a determination of issuer nonresponsibility.
- (7) A nonresponsibility determination by the Director may be appealed by the issuer to the Commissioner by delivery to the Commissioner of a written notice of appeal within 10 days after receipt of the determination of the Director. The Commissioner shall offer the issuer an opportunity to be heard, at which a hearing officer appointed by the Commissioner or the Commissioner's designee who is not a City employee shall preside. Such hearing shall be scheduled as soon as possible after a request. The issuer shall be permitted to be represented by counsel, to submit evidence and summon witnesses on his or her behalf and to inspect documents and cross-examine opposing witnesses. Compliance with the technical rules of evidence shall not be required. The hearing officer, ~~if other than the Commissioner,~~ shall make a recommendation to the Commissioner. The Commissioner shall make the final determination in writing, based upon evidence produced at the hearing. In the final determination, the Commissioner may accept, reject or modify the determination and/or penalty imposed by the Director. The determination of the Commissioner shall be the final determination of the City and shall be subject to review pursuant to Article 78 of the Civil Practice Law

and Rules.

(f) Section 90-58, Lead-safe hazard reduction and control, is amended by amending subsection A to read in its entirety as follows:

A. No person shall disturb or remove lead-based paint, or in any other way generate excessive dust or debris during work on the interior or exterior of any existing building or structure except in accordance with the requirements of this section and §§ 90-59 and 90-60. ~~If the necessary paint stabilization work involves disturbing more than six square feet of interior painted surfaces or more than twenty square feet of exterior painted surfaces in a residential building or child-occupied facility, the work must be performed by someone who possesses an EPA RRP Certification. Any home improvement contractor, property management firm, handyman or other person compensated for renovation work that involves window replacement or that disturbs more than six square feet of interior, and/or more than twenty square feet of exterior, paint or surface coating, in a residential building or child-occupied facility for which the original construction was completed prior to January 1, 1978, must possess an EPA RRP Certification.~~

(g) Section 90-59, Occupant protection; worksite preparation, is amended by amending subsection B(2) to read in its entirety as follows:

(2) A warning sign, as defined in §90-58C(1), shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated. Each warning sign shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language.

Section 2. This ordinance shall take effect on ~~May~~ June 1, 2013.

Strikeout material deleted: underlined material added.

Passed unanimously.

By Councilmember Scott
May 14, 2013

To the Council:

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

Int. No. 153 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 154 - Establishing Maximum Compensation For An Amendatory Professional Services

Agreement For the Center City Two-Way Conversion Project

Int. No. 155 - Amending Ordinance No. 2011-303 Relating To The Turning Point Park Improvement Project And Authorizing An Agreement For The Riverside Cemetery Rain Garden

Int. No. 156 - Amending Chapter 104 Of The Municipal Code, Streets Code, With Respect To Sidewalk Cafes

Int. No. 157 - Establishing Maximum Compensation For An Agreement For The Port Marina And Mixed Use Development Project

Int. No. 164 - Local Law Authorizing A Water Franchise Agreement With RED-Rochester, LLC

Int. No. 166 - Establishing Maximum Compensation For A Professional Services Agreement For The Portland Avenue Revitalization Project

Int. No. 172 - Establishing Maximum Compensation For A Professional Services Agreement For The Union Street Improvement Project And Appropriating Funds

Int. No. 175 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,550,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2013 Water Main Cleaning And Lining Program In The City

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

Int. No. 158 - Approving Increases In The Pavement Width Of LaGrange Avenue, Elk Street And Moose Street As A Part Of The Elk Street Group Improvement Project

Int. No. 173 - Approving Decreases In The Pavement Width Of Union Street

Respectfully submitted,
Loretta C. Scott
Matt Haag
Elaine M. Spaul (Did not vote on Int. No. 153)
Lovely A. Warren
Dana K. Miller
JOBS, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-137
Re: Wholesale Water Rates

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by increasing the wholesale water rate for Water Districts 1 and 2 in the Town of Lima (including the Village of Lima). The water rate in the

Town of Richmond will not be adjusted.

As stated in the original agreements with the Towns, the rate charged by the City will not exceed 110% of that charged by the Monroe County Water Authority. The current MCWA rate is \$1.75 per 1,000 gallons. Adjustments to the rates for the Town of Lima have historically been made based on the past years' Consumer Price Index, which keeps the rate well below the 110% MCWA rate.

The current rate of \$1.50 per 1,000 gallons was established by City Council in May 2012. Using the CPI, a new rate of \$1.53 per 1,000 gallons is recommended. Based on consumption of 70,229,000 gallons in 2012, additional revenue is estimated at \$2,100.

The cost increase is primarily related to maintaining an aging system.

The agreement with the Town of Richmond, negotiated separately, calls for rate increases based on the actual cost of supplying the water. An increase cannot be justified for this year. It is anticipated that the Town's water system will be transferred to the Monroe County Water Authority next year.

The proposed rate increase for the Town and Village of Lima will go into effect on July 1, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-137
(Int. No. 153)

Amending The Municipal Code With Respect To Wholesale Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

- (9) Wholesale rate: \$1.50 per 1,000 gallons for the Town of Richmond and \$1.53 per 1,000 gallons for Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-138
Re: Amendatory Agreement - Fisher Associates,
Center City Two-Way Conversion Study

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Fisher Associates, P.E., L.S., P.C. (Rochester

14623) for additional design services for the Center City Two-Way Conversion Project. The original agreement for \$142,000 was authorized in June 2012 (Ord. No. 2012-262). This amendment will increase maximum compensation by \$77,000 to a total of \$219,000. The additional cost will be financed from prior years' Cash Capital.

The project implements the planned two-way conversion north of and including Main Street, and includes modifications to pavement markings, traffic signals, signing, and curbs lines, as well as milling and resurfacing of East Main Street from St. Paul Street/South Avenue to N./S. Clinton Avenue.

The amendatory agreement will fund the following additional design services:

- Creation of a traffic model for the current project and for the conversion to two-way of the portion of S. Clinton Avenue between E. Main Street and Broad Street. The Center City two-way conversion study, the Renaissance Square Traffic Study, and other data sources will be used in developing these models.
- Design of widening of the entrance road from St. Paul Street to the inner loop.
- Design a reconfigured St. Paul/Cumberland/Central Avenue intersection and other minor changes.
- Evaluate the possibility of implementing the two-way conversion before the RTS Downtown Transit Center is operational.

Construction is tied in with the completion of the Transit Center, which is currently scheduled to be operational in mid-2015. The amendatory design agreement will result in the creation/retention of the equivalent of 0.8 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-83

Ordinance No. 2013-138
(Int. No. 154)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Center City Two-Way Conversion Project

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

Section 1. The sum of \$77,000, 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, P.C., for engineering design and construction phase design services for the Center City Two-Way Conversion Project. The

agreement may extend until six (6) months after completion and acceptance of the construction of the Project. 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. 2013-139
Re: Monroe County Stormwater Coalition
Rain Garden

Transmitted herewith for your approval is legislation related to reimbursements from the Monroe County Stormwater Coalition for the installation of a rain garden in the City. This legislation will:

1. Amend Ordinance 2011-303 to repeal the appropriation of funds for the installation of a rain garden at Turning Point Park.
2. Authorize an agreement with the Monroe County Stormwater Coalition for the installation of a rain garden at Riverside Cemetery.
3. Appropriate \$16,700 in anticipated reimbursements from the Monroe County Stormwater Coalition for the Riverside Cemetery rain garden.

The Stormwater Coalition originally proposed funding a rain garden as a part of the Turning Point Park project. However, improvements at the Park include a bio-retention design (funded by New York State) which will also result in water quality improvements, thereby reducing the value of a rain garden at that site.

The Stormwater Coalition has determined that the alternate site at Riverside Cemetery better meets their program goals.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-84

Ordinance No. 2013-139
(Int. No. 155)

Amending Ordinance No. 2011-303 Relating To The Turning Point Park Improvement Project And Authorizing An Agreement For The Riverside Cemetery Rain Garden

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

Section 1. Ordinance No. 2011-303, relating to the Turning Point Park Improvement Project, is hereby amended by repealing Section 2 and the appropriation of anticipated reimbursements from the Monroe County Stormwater Coalition in Sec-

tion 3.

Section 2. The Mayor is hereby 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 Riverside Cemetery Rain Garden.

Section 3. The sum of \$16,700 is hereby appropriated from anticipated reimbursements from the Monroe County Stormwater Coalition, to fund the Riverside Cemetery Rain Garden.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-140
Re: City Code Amendment - Sidewalk Cafes

Transmitted herewith for your approval is legislation amending Chapter 104 of the Municipal Code, sidewalk café rules and regulations. The amendment will modify the issuance of permits from a "restaurant" to a legally established business as described below to rectify an inconsistency in the City Code.

The Department of Environmental Services - Bureau of Architecture and Engineering issues approximately eighty permits each year for sidewalk cafes. The sidewalk cafes contribute to the overall dynamic atmosphere of the community while providing economic opportunities for neighborhood businesses. A sidewalk permit shall only be issued to applicants who will operate the cafe or a vending unit in connection with the operation of a legally established business on the first floor of the adjoining premises which fronts or empties onto the street at the approximate location where the sidewalk cafe permit is requested, and which is engaged in the sale of food or beverages or other goods which may be legally consumed on the sidewalk.

Sidewalk café permits have been issued in the past to businesses that do not meet the definition of a restaurant. For example, businesses such as an ice cream shop or a coffee shop have been issued permits but do not meet the definition of a restaurant under the City of Rochester zoning code (120-208). A restaurant is defined as an establishment where food is prepared and available to the general public for a determined compensation, seating is provided primarily for consumption within a structure on the premises and where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted.

The proposed code changes will not significantly alter current practices for sidewalk café approvals.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-140
(Int. No. 156)

Amending Chapter 104 Of The Municipal Code, Streets Code, With Respect To Sidewalk Cafes

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

Section 1. Section 104-33 of the Municipal Code, Above-surface encroachments, as amended, is hereby further amended by amending the second full sentence of subsection B(10) to read as follows:

Such permit shall only be issued to applicants who will operate the cafe or a vending unit in connection with the operation of a legally established business on the first floor of the adjoining premises which fronts or empties onto the street at the approximate location where the sidewalk cafe permit is requested, and which is engaged in the sale of food or beverages or other goods which may be legally consumed on the sidewalk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-141
Re: Agreement - Seeler Engineering, P.C.,
Project Labor Agreement, Port Marina
And Mixed Use Development Project

Transmitted herewith for your approval is legislation establishing \$22,000 as maximum compensation for an agreement with Seeler Engineering, P.C. (Pittsford, NY) 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 Port of Rochester Redevelopment Project. The cost of the agreement will be financed from prior years' Department of Environmental Services Cash Capital allocations.

The Port of Rochester Redevelopment Project includes the creation of the Phase I marina basin and pedestrian promenade, all planned right-of-way improvements, installation and relocation of utilities as required, extension of the Genesee Riverway Trail to connect with Ontario Beach Park, and reconstruction of the land side facilities at the public boat launch. The estimated cost for construction of the phase one improvements is \$19.8 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. Their staff have 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 spring 2013 with submission of the report by summer 2013. Construction on the Port Marina Phase I Improvements is anticipated to begin in fall 2013 with scheduled completion in fall 2015.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-85

Ordinance No. 2013-141
(Int. No. 157)

Establishing Maximum Compensation For An Agreement For The Port Marina And Mixed Use Development Project

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

Section 1. The sum of \$22,000, 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 Port Marina and Mixed Use Development 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:

Local Law No. 3
Re: Water Franchise Agreement

Transmitted herewith for your approval is legislation authorizing the transfer of a water franchise agreement with Eastman Kodak Company to RED-Rochester, LLC. This will allow RED-Rochester to produce and distribute water to the customers within the City limits of the Eastman Business Park.

In April 2010, City Council authorized a water franchise agreement with Eastman Kodak Company (Kodak) so that they could furnish, sell, and distribute industrial and potable water to third-party occupants of properties located within the city at Eastman Business Park. At that time, Kodak owned and operated a water production, treatment

and transmission facility that delivered most of the water consumed at the Park.

Since then, Kodak has undergone substantial changes and reorganization, including filing for Chapter 11 bankruptcy. Among the changes is the proposed sale by Kodak of its water utility to RED-Rochester, as approved by the United States Bankruptcy Court on January 18, 2013.

RED-Rochester will own the water treatment and distribution facilities which provide industrial water for the Park. In order to make the water available to property owners, including Kodak, and tenants, RED-Rochester, by City Charter, requires a franchise from the City. The franchise will allow them to sell the industrial water and to furnish, re-sell or distribute potable water purchased from the City to any owner of a building in the Park by means of the Eastman Business Park Potable Water Distribution System.

The terms of the water franchise agreement will remain the same, including payment to the City at the rate of \$0.10 per 1,000 gallons of industrial water sold, with the following modifications:

- The rate may be increased after the first five years and then annually based on the five-year average of the percent increase in the City's domestic water rate.
- All industrial water that is delivered from the RED-Rochester Water Treatment Plant within City limits and provided to lessees or third-party owners of the Park property (including Kodak) shall pay the City the compensation rate in effect at that time.
- In the event that RED-Rochester decides to discontinue supplying water, the City will have exclusive rights to supply City water to the Park customers within City limits.

The term of the agreement is 25 years.

Respectfully submitted,
Thomas S. Richards
Mayor

Local Law No. 3
(Int. No. 164)

Local Law Authorizing A Water Franchise Agreement With RED-Rochester, LLC

WHEREAS, the Eastman Kodak Company has historically operated its own water treatment plant to provide water to its own facilities in the City; and

WHEREAS, on April 13, 2010, pursuant to Local Law No. 2, the Council approved the granting of a water franchise to Eastman Kodak Company; and

WHEREAS, since the granting of the franchise, Eastman Kodak Company has undergone substantial changes and reorganization of its business

including the sale of its water treatment and distribution facilities to RED-Rochester, LLC; and

WHEREAS, the Eastman Kodak Company's prior plans and marketing strategy to facilitate the sale or lease of their remaining unneeded buildings and underutilized vacant land and infrastructure at Eastman Business Park for private development/redevelopment continue and the provision of water is a key component of such strategy; and

WHEREAS, the water for the Eastman Business Park will be provided by RED-Rochester, LLC which needs a franchise agreement from the City in order to provide water to users in the Eastman Business Park; and

WHEREAS, notwithstanding the requirements of Section 5-24 of the City Charter, the City grants this franchise without public auction because the provision of water through this franchise is unique and does not impact the public right of way in the manner of traditional franchises anticipated by the City Charter and because the RED-Rochester, LLC is acquiring existing facilities and will provide water to the Eastman Business Park parcels in the same manner as was previously provided by Eastman Kodak Company and is in a unique position to continue to provide the water.

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

Section 1. The Council hereby approves the granting of a franchise to RED-Rochester, LLC to provide water to Eastman Kodak Company and other users in the Eastman Business Park in the City. The franchise agreement shall obligate RED-Rochester, LLC to pay to the City \$0.10 per 1,000 gallons sold to all users in the City for the first five years of the Agreement, with an annual increase based on the five year average percentage increase in the City's domestic water rate, beginning in the sixth year of the franchise.

Section 2. The franchise 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. 2013-142
Re: Agreement - KCI Engineering of New York, Portland Avenue Revitalization Project

Transmitted herewith for your approval is legislation establishing \$125,000 as maximum compensation for an agreement with KCI Engineering of New York for design services for the Portland Avenue Revitalization Project. The cost of the agreement will be financed from bonds previously authorized for this purpose (Ordinance No. 2012-

449) as part of the Capital Project Acceleration Initiative.

The project includes the design and construction of streetscape treatments for Portland Avenue (Lux Street to Norton Street). The consultant will provide preliminary and final design, bid and award, and construction phase design services.

KCI Engineering of New York was selected through a request for proposal process described in the attached summary.

The project design will begin in summer 2013; it is anticipated that construction will begin in spring 2014 with scheduled completion in fall 2014. The design agreement will result in the creation/retention of the equivalent of 1.3 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-86

Ordinance No. 2013-142
(Int. No. 166)

Establishing Maximum Compensation For A Professional Services Agreement For The Portland Avenue Revitalization Project

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

Section 1. The sum of \$125,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and KCI Engineering of New York for design services for the Portland Avenue 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 Bond Ordinance No. 2012-449.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-143 and
Ordinance No. 2013-144

Re: Union Street Improvement Project
(University Avenue to Central Park)

Transmitted herewith for your approval is legislation related to the construction phase of the Union Street Improvement Project. Ordinance No. 2012-22 authorized agreements with New York State to administer the project and with C&S Engineers, Inc. for design, and appropriated \$500,000 in CDBG/Focused Investment Strategy funding for the Project. This proposed legislation will:

1. Authorize the geometric changes for the project as described in the legislation.
2. Appropriate \$260,800 in anticipated Federal Highway Aid to finance the project.
3. Establish \$158,000 as maximum compensation for an agreement with C&S Engineers, Inc. for resident project representation services, to be funded as follows:

Bonds appropriated via Ord.	
2012-445	\$ 89,500
Federal Highway Aid appropriated herein	24,000
2011-12 CDBG/FIS	<u>44,500</u>
Total	\$158,000

The Union Street Improvement Project is partially located in the Marketview Heights FIS area. Enhancements include: curbed bumpouts with plantings, enhanced crosswalks, pedestrian-level lighting, and a gateway feature at Central Park. Street improvements include: milling and resurfacing, drainage improvements, limited sidewalk and curb repairs, and related work such as signs and traffic striping.

The total estimated cost of construction is \$992,000 and will be funded as follows:

Federal Highway Aid	\$260,800
2011-12 CDBG/FIS	\$451,900
Bonds appropriated via Ord.	
No. 2012-445	\$263,300
Prior Years' Cash Capital	\$16,000

The geometric changes comply with the City's "Complete Streets Policy" and encourage pedestrian traffic by narrowing the crossing distance at the described corners, and installing curbed bumpouts to calm traffic.

C&S Engineers Inc. was selected through a request for proposal process described in the attached summary.

The project will be bid in April 2013, and construction is anticipated to begin in summer 2013 with scheduled completion in fall 2013. The construction phase of the project will result in the creation/retention of the equivalent of 11 full-time jobs.

Public informational meetings were conducted on March 27, 2012 and February 26, 2013. The minutes of these meetings are attached.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-87

Ordinance No. 2013-143
(Int. No. 172)

Establishing Maximum Compensation For A Professional Services Agreement For The Union Street Improvement Project And Appropriating Funds

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

Section 1. The sum of \$158,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and C&S Engineers, Inc. for resident project representation services for the Union 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, \$24,000 shall be funded from the appropriation made in Section 2, \$44,500 shall be funded from the appropriation made in Section 3 of Ordinance No. 2012-22, and \$89,500 shall be funded from Bond Ordinance No. 2012-445.

Section 2. The sum of \$260,800 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Union Street Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-144
(Int. No. 173)

Approving Decreases In The Pavement Width Of Union Street

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

Section 1. The Council hereby approves the following decreases in the pavement width of Union Street as a part of the Union Street Improvement Project:

- a. Along the west curbline, a decrease of 7 feet, from an existing 30 foot width to a proposed width of 23 feet, from 51 feet south of the center line of Weld Street to 54 feet north of the center line of Weld Street;
- b. Along the west curbline, a decrease of 7 feet, from an existing 30 foot width to a proposed width of 23 feet, from 50 feet south of the center line of Ontario Street to 52 feet north of the center line of Ontario Street;
- c. Along the west curbline, a decrease of 7 feet, from an existing 30 foot width to a proposed width of 23 feet, from 49 feet south of the center line of Lewis Street to Lewis Street;
- d. Along the east curbline, a decrease of 7 feet, from an existing 30 foot width to a proposed width of 23 feet, from 53 feet south of the center line of Niagara Street to Niagara Street;

- e. Along the east curbline, a decrease of 7 feet, from an existing 30 foot width to a proposed width of 23 feet, from 38 feet south of the south curbline of Central Park to Central Park.

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. 2013-145
Re: Bond Authorization - Water Main Cleaning And Lining Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,550,000, and the appropriation of the proceeds thereof to fund the 2013 Water Main Cleaning and Lining Program. This Program provides for the scheduled rehabilitation of deficient water mains, and is identified in the 2012-13 Capital Improvement Program (Water Fund).

The proposed bonds will finance the cost to rehabilitate approximately seven miles of City water mains. This rehabilitation method consists of cleaning the interior of existing water mains and installing a corrosion-resistant lining to restore hydraulic capacity, improve available fire flows and water quality, and extend the useful life of the main.

The improvements are scheduled to begin this summer and be completed by next summer. Project inspection will be performed by Water Bureau personnel.

This project will be responsible for the creation and/or retention of the equivalent of 17.9 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-88

Ordinance No. 2013-145
(Int. No. 175)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,550,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2013 Water Main Cleaning And Lining Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of water mains as part of the 2013 Water Main Cleaning and Lining Program in the City, including but not limited to water mains along streets on file in the Office of 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 \$1,550,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,550,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,550,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,550,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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. 2013-146
Re: Elk Street Group Improvement Project

Transmitted herewith for your approval is legislation authorizing changes in pavement width required for the Elk Street Group Improvement Project as follows:

1. For LaGrange Avenue, an increase of 4 feet, from 20 feet to 24 feet, beginning at Electric Avenue northward to Elk Street.
2. For Elk Street, an increase of 4 feet, from 20 feet to 24 feet, beginning at LaGrange Avenue eastward to Ramona Street.
3. For Moose Street, an increase of 4 feet, from 20 feet to 24 feet, beginning at Elk Street southward to Ridgeway Avenue.

In addition to pavement width changes, this project includes new granite stone curbs, new pavement or milling and resurfacing, partial concrete sidewalk replacement, driveway aprons, water main upgrades or replacements and catch basin adjustments or replacements. 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 will be held on May 7, 2013; copies of the meeting minutes will be forwarded when they are available. The pavement width changes were endorsed by Traffic Control Board at its April 16, 2013 meeting.

It is anticipated the design will be completed in summer of 2013 and construction will begin in the fall of 2013, with substantial completion by spring of 2014.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-89

Ordinance No. 2013-146
(Int. No. 158)

Approving Increases In The Pavement Width Of LaGrange Avenue, Elk Street And Moose Street As A Part Of The Elk Street Group Improvement Project

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 LaGrange Avenue, from Electric Avenue to Elk Street, as a part of the Elk Street Group Improvement Project.

Section 2. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Elk Street, from LaGrange Avenue to Ramona Street, as a part of the Elk Street Group Improvement Project.

Section 3. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Moose Street, from Elk Street to Ridgeway Avenue, as a part of the Elk Street Group Improvement Project.

Section 4. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
May 14, 2013

To the Council:

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

Int. No. 159 - Authorizing Agreements With Respect To Project IMPACT X

Int. No. 160 - Authorizing An Agreement For A Violence Reduction Grant

Int. No. 161 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

Int. No. 162 - Authorizing An Agreement For The Biz Kid\$ Real And Junior Recreation Leader Programs

Int. No. 163 - Authorizing An Application And Agreements For The 2013 Summer Food Service Program For Children

Int. No. 174 - Authorizing Agreements Relating To The 2013 Summer Of Opportunity Program

The following entitled legislation is being held in Committee:

Int. No. 176 - Authorizing An Agreement For Youth Intervention Services And Amending The 2012-13 Budget

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-147 and
Ordinance No. 2013-148
Re: New York State Division Of Criminal
Justice Services Grants

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of two grants (summarized below); and establishing \$55,000 as maximum compensation for an agreement with the Rochester Institute of Technology for data analysis services related to IMPACT X. The term of the agreement will be for one year, beginning July 1, 2013. Both grants will be included in the proposed 2013-14 Budget of the Police Department, from which the

RIT agreement will be funded.

2013-14 Operation IMPACT X \$569,250

This grant will support the continued work of a county-wide criminal justice taskforce to reduce violent crime in Rochester. Operation IMPACT strategies are designed to prevent gang violence, gun carrying, and open air drug markets; and provide for DNA collection and enhanced prosecution. Taskforce priorities and activities are based on crime and crime response data. Anticipated uses of the grant are as follows:

RIT agreement	\$ 55,000
LeadsOnline (tracking stolen property)	34,000
Supplies/other	10,000
Travel/training	4,500
Equipment	49,610
Overtime	416,140
Total	<u>\$569,250</u>

No local match is required. This is the tenth round of IMPACT funding for the City; the previous award of \$517,500 was authorized in August 2012 (Ord. No. 2012-352).

2013-14 Violence Reduction Grant \$100,000

This grant will be used by RPD to develop and implement an illegal firearm and firearm violence intervention project in areas of the city where firearm violence is most persistent. Target areas will be identified using existing data. Methods of reducing firearm violence will be empirically derived best-practices that focus on: violent dispute intervention and resolution; access to firearms; offender-based tactics; and place-based tactics.

Where applicable, RPD will coordinate efforts and draw upon existing partnerships with County and State law enforcement agencies as well as community stakeholders. Project effectiveness will be monitored by RPD using performance measures determined by the grantor. The grant will be used for overtime (\$95,000) and car rentals for the details (\$5,000).

No local match is required. This is the first award under this program received by the City.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-147
(Int. No. 159)

Authorizing Agreements With Respect To Project IMPACT X

BE IT 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 X.

Section 2. The agreement shall contain such

additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for crime data analysis services for Project IMPACT X. Said amount shall be funded from the 2013-14 Budget of the Rochester Police Department, contingent upon adoption of said budget.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-148
(Int. No. 160)

Authorizing An Agreement For A Violence Reduction Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for a Violence Reduction Grant.

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. 2013-149
Re: Agreement - Frontier Telephone of Rochester, 9-1-1 Telephone Maintenance

Transmitted herewith for your approval is legislation establishing \$164,000 as maximum annual compensation for an 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 2013-14 and subsequent annual budgets of the Emergency Communications Department (ECD), contingent upon their approval.

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. This agreement will have a term of one year, with the option for two one-year renewals.

The repair and maintenance service agreement has been authorized regularly since 1995, and most recently in May 2011 (Ord. No. 2011-171).

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-149
(Int. No. 161)

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 \$164,000, 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 of Rochester, Inc. for continued repair and maintenance of the telephone systems at the 911 Emergency Communications Center for a term of one year, with two one-year renewal options. Said amount shall be funded from the 2013-14 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. 2013-150
Re: Agreement - RochesterWorks, Biz Kid\$ Real and Junior Recreation Leader Summer Component

Transmitted herewith for your approval is legislation authorizing an agreement with RochesterWorks for the receipt and use of a \$25,000 grant

to support the summer components of two ongoing Bureau of Recreation programs. This amount will be included in the proposed 2013-14 Budget of the Department of Recreation and Youth Services in anticipation of the grant.

The RochesterWorks grant will fund part-time wages for youth ages 14-18 employed this summer through the Biz Kid\$ Real and Junior Recreation Leader work readiness programs operated by the City. Biz Kid\$ Real, an extension of the Biz Kid\$ program, provides in-depth entrepreneurial education and experience to 11 youth ages 14-18. The Junior Recreation Leader program provides job readiness training and structured work experiences for 15 youth ages 14 and 15.

Program participants begin with school year trainings, workshops, and internship experiences. Participants who successfully complete the school year component are hired as part-time employees for the summer component of each program.

This RochesterWorks funding is in addition to the annual allocation to the DRYS Office of Employment Opportunities' Summer of Opportunity program.

Program information is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-90

Ordinance No. 2013-150
(Int. No. 162)

Authorizing An Agreement For The Biz Kid\$ Real And Junior Recreation Leader Programs

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

Section 1. The Mayor is hereby authorized to enter into an agreement with RochesterWorks for funding for the Biz Kid\$ Real and Junior Recreation Leader Programs.

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. 2013-151
Re: Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for the receipt and use of \$316,300 in anticipated reimbursements for

the 2013 Summer Food Service Program (SFSP), and establishing \$243,900 as maximum compensation for an agreement with the Rochester City School District for the preparation and delivery of the breakfasts and lunches. The reimbursement amount will be included in the proposed 2013-14 Budget of the Department of Recreation and Youth Services to fund the agreement and City costs, contingent upon approval.

SFSP provides free breakfast and lunch to City children aged 18 and under and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. The program will operate June 24 to August 23. Sites will be selected based upon proximity to youth service activities and satisfactory past participation in the program.

The program is administered by the City and reimbursed by the State Education Department, using federal funding. The District will prepare and deliver the meals to the program sites. Federal regulations strongly encourage the City to first consider the local school district as the source for obtaining meal service, and do not require competitive bid procedures when doing so. The federal reimbursement rates and projected numbers of meals for 2013 are as follows:

<u>Meals</u>	<u>Rate</u>	<u>Reimbursement</u>
Breakfast		
41,600	\$1.9425	\$ 80,808
Lunch		
<u>69,000</u>	<u>\$3.4125</u>	<u>235,463</u>
110,600	Rounded Total	\$316,300

In addition to funding the agreement with the District, a total of \$72,400 will be used to fund: the salaries of a coordinator, two monitors, and a clerk (\$45,400); refuse pickup (\$17,700); mileage reimbursements (\$1,500); and additional administrative support (\$7,800).

The 2012 program was authorized via Ordinance No. 2012-218. The number of meals served in past years are provided below:

<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
Breakfast			
59,286	40,275	39,178	34,725
Lunch			
<u>88,992</u>	<u>66,119</u>	<u>65,737</u>	<u>57,577</u>
Total			
148,278	106,394	104,915	92,302

A recent assessment by the Rochester Area Community Foundation indicates that there is a greater need for summer meals to be provided to children in the city. In response, there will be an increased effort this year to publicize the program. A consequent increase in the number of meals is being planned.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-91

Ordinance No. 2013-151
(Int. No. 163)

Authorizing An Application And Agreements For The 2013 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 2013 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 \$243,900, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2013-14 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budget.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-152
Re: 2013 Summer of Opportunity Program

Transmitted herewith for your approval is legislation related to the implementation of the 2013 Summer of Opportunity Program (SOOP). This legislation will:

1. Authorize an agreement with the New York State Department of Labor for the receipt and use of a \$250,000 summer jobs program grant, received through the efforts of New York Senator Joseph Robach.
2. Establish maximum compensation for agreements with 15 agencies for related services, summarized in the table below, to be funded from the appropriations herein. These agreements will be funded from the 2013-14 Budget of the Department of Recreation and Youth Services contingent upon its approval at the June 2013 meeting of City Council.

The program this year will serve 410 youth through a combination of agency- and City-administered programs at a total cost of \$548,764 from the following sources, all of which will be included in the

proposed 2013-14 Budget:

<u>Source</u>	<u>Amount</u>
2013-14 Community Development Block Grant	\$110,000
New York State grant	250,000
City	<u>188,764</u>
	\$548,764

Overview

The City’s SOOP collaborates with Roches-terWorks’ Summer Youth Employment Program (SYEP) to conduct joint recruitment and application intake for all applicants seeking summer employment. Youth aged 14-20 are eligible to apply. Job Readiness Training is provided for participants selected for the work experience programs (Tier 1), and for 16-20 year old participants determined to need readiness training based on their pre-screening interviews. Parent Orientation is mandatory for students ages 14-15.

SOOP sponsors City high school students specifically 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 Children’s Institute will continue (as per Ord. No. 2013-34) to manage the application and scheduling processes and data through COMET, a software system that is compatible with the School District’s database.

Externally Administered Work Experience (Tier 1)

The request for proposals (RFP) issued jointly by SOOP and SYEP was sent directly to city and county youth services agencies, employers, colleges, and school districts; and was posted on the City and RochesterWorks websites. A press advisory was also issued. The RFP stipulated the following:

- Program cost is limited to \$1,500 per participant
- Administrative costs must not exceed 12%
- Payroll administration by the agency must be included
- Programs would serve youth ages 14-15 and/or ages 16-20 with limited work experience or significant obstacles to stable employment
- Programs would provide experience in: work readiness, career exploration, community service, entrepreneurship, arts, and/or academic enrichment.

All proposal submissions were based on minimum wage (\$7.25/hour) for the students because SYEP is required to pay wages to students. Requiring all submissions to be based on minimum wage keeps proposals consistent for review criteria. Proposed programs accepted by SOOP for funding were modified from minimum wage to stipends of \$600 per student.

A total of 32 proposals were received from 27 agencies. An inter-agency selection committee of 11 reviewed and ranked proposals using the following criteria:

- Quality of project design
- Demonstrated capability
- Cost efficiency
- Demonstrated understanding of RFP objectives
- Value of added resources (funds, contributions, modules/services, etc.)
- Prior experience with Rochester Works/City of Rochester funding

Proposals also specified one of three age groups their programs were designed to serve: 14 and 15 year olds, 14-20 year olds, or 16 and older.

Twenty-six proposals were approved for funding either by SOOP or SYEP based on applicant preference to offer wages or stipends, history working with agencies, and age of youth. SOOP’s priority is 14-15 year olds. The 15 agencies below were selected to offer City SOOP programs and will serve a total of 305 youth (262 are 14-15 year olds; 43 are 16+ year olds) at a cost of \$346,500.

<u>Agency/Program</u>	<u>No.</u>	<u>Cost</u>	<u>Cost ea.</u>	<u>Adm.</u>	<u>Project Description</u>
Boys & Girls Club Career Exploration	20	\$18,700	\$935	4%	Industry/Career Exploration
Baden Street Future Prodigies	40	43,100	\$1,077	10%	Youth Workforce Development
Baden Street In-Control Drama	15	17,100	\$1,140	8%	Arts; Leadership & Community Organizing

Baden Street In-Control Video	20	22,800	\$1,140	5%	Multi-media Production
Baden Street Wear Art	20	22,800	\$1,140	8%	Entrepreneurship and Art
Charles Settlement TACE	20	24,200	\$1,210	12%	Community Service; Multi-media Production
Ibero Landscape Apprentice	20	23,200	\$1,160	11%	Landscaping
Ibero STEM Arts	24	26,800	\$1,116	11%	Science, Tech, Eng., and Math
MCC Leadership & Ed	12	10,500	\$875	11%	Leadership, Education and Recreation
NEAD GET IT	40	44,500	\$1,112	10%	Community Service, Entrepreneurism, Career Exploration
RCTV Production Team	12	14,000	\$1,166	0%	Multi-media Production
Rochester Technology & Manufacturing Assoc	15	21,200	\$1,413	0%	Precision Machining
SWAN Be Strong with Rhinos	12	13,200	\$1,100	0%	Workforce Development for at-risk youth
Urban League Future Entrepreneurs	20	22,500	\$1,125	8%	Entrepreneurship
RCSD Robert Brown	<u>15</u>	<u>21,900</u>	\$1,460	4%	Career Exploration, Carpentry and Construction
Total	305	\$346,500			

RochesterWorks' SYEP is open to students residing throughout Monroe County who meet income eligibility guidelines. SYEP anticipates awarding \$427,000, serving 287 youth (176= 14/15 year olds, 111= 16+ year olds) to the following agencies: Action for a Better Community, Community Place of Greater Rochester, Village of East Rochester, Greece Central School District, Monroe 2 BOCES, Prosper Rochester, Regional Center for Independent Living, Rochester Education Foundation, Sparq and Art Works. Typically, 90% of SYEP youth are city residents.

The combined City and RochesterWorks proposed awards total \$773,500 and will serve 592 youth.

Internally Administered Jobs (Tier 2)

In addition, the following SOOP components are jobs provided by the City. These jobs are based on the City pay schedule, and payroll is administered directly by the City. The total cost of these jobs will be \$202,264, funded from the proposed 2013-14 Budget of the Department of Recreation and Youth Services.

<u>Program</u>	<u># Youth</u>	<u>Total</u>
Recreation	60	\$137,963
Teens on Patrol (TOPS)	15	25,868
SOOP+ Summer	10	12,811
SOOP+ Afterschool	<u>20</u>	<u>25,622</u>
Total	105	\$202,264

The City of Rochester will provide payroll processing services and check distribution for all internally administered job (Recreation, TOPS, and SOOP+) participants working at a City location.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-92

Ordinance No. 2013-152
(Int. No. 174)

Authorizing Agreements Relating To The 2013 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 2013 Summer of Opportunity Program:

<u>Organization</u>	<u>Total</u>
Boys & Girls Club - Career Exploration	\$ 18,700
Baden Street Settlement - Future Prodigies	43,100
Baden Street Settlement - In Control Drama	17,100
Baden Street Settlement - In Control Video	22,800
Baden Street Settlement - Wear Art	22,800
Charles Settlement House - TACE	24,200
IBERO - Landscape Apprentice	23,200
IBERO - STEM Arts	26,800
MCC - Leadership & Ed	10,500
NEAD - GET IT	44,500
RCS D Robert Brown Construction	21,900
RCTV Production Team	14,000
Rochester Technology & Manufacturing Assn.	21,200
SWAN Be Strong with Rhinos	13,200
Urban League Future Entrepreneurs	22,500
City - Recreation, TOPS, SOOP	202,264

Section 2. The agreements and allocations for City administered programs shall obligate the City to pay an amount not to exceed \$548,764, and said amount, or so much thereof as may be necessary, shall be funded from the 2013-14 Budget of the Department of Recreation and Youth Services, contingent upon adoption of said budget.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the New York State Department of Labor for funding for the Summer of Opportunity Program.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 176
Re: Agreement - Rochester City School District, 2013 Pathways to Peace Partnership

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the receipt and use of \$8,000 to cover overtime costs for Pathways to Peace staff to provide intervention services; and amending the 2012-13 Budget of the Department of

Recreation and Youth Services to reflect these funds.

RCS D and the City are partnering on a pilot program to address violent behaviors in and around school facilities. City Pathways to Peace staff will work with students identified by the District as highest risk, including those who are on long-term suspension and those who exhibit precursory violent or gang behaviors at targeted schools.

The District has requested the services of Pathways to Peace Youth Intervention Specialists, and will reimburse the City for the associated overtime costs. The overtime will be for time committed to the District for the supervision, intervention, and prevention component of the pilot program. City Pathways staff will provide the following services as needed at school sites to be determined:

- Mediations
- Group intervention and prevention sessions
- Conflict resolution training
- Referrals to services
- Project Prison Reality
- Youth 4 Change - Divas & Good "Fellas" (program descriptions are attached)

One Senior Youth Intervention Specialist and two Youth Intervention Specialists will work Monday, Wednesday, and Friday from 8:00 a.m. to 12:00 p.m. May 6, 2013 through the remainder of the school year ending June 21, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 176

AUTHORIZING AN AGREEMENT FOR YOUTH INTERVENTION SERVICES AND AMENDING THE 2012-13 BUDGET

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for youth intervention services from Pathways to Peace.

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

Section 3. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$8,000, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:24 p.m.

DANIEL B. KARIN
City Clerk

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PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGET
JUNE 12, 2013
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 hearings will now be had on the following matter.

Adoption Of The Budget Estimates For Municipal Purposes For The 2013-14 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 231 13 speakers: Eric Thrall, Joni Mofardin, Jeff Kaczorowski, Mike Mazzeo, Gary Cicoria, Julio Vicente, Karen Fox, Maud Kane, Teresa Carroll, Fredeireka W. Connor, Gina Stein, Deb Kubber, Barbara Campbell

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014 Int. No. 235 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2013 And Expiring June 30, 2014 Int. No. 236 No speakers.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014, And Appropriation Of Sums Set Forth Therein Int. No. 232 No speakers.

The meeting was adjourned at 6:45 p.m.

Daniel B. Karin
City Clerk

* * * * *

REGULAR MEETING
JUNE 18, 2013

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

*John D. Pecora

*Jose A. Santiago

*Karon Simoni

Ernest Thorne

Girts Zadins

Fire Department

Joseph J. Giorgione

*James D. Smith

Police Department

*Charles T. Bonafede

*John DiMascio, Jr.

*Timothy S. Fingland

*Michael B. Giaconia

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of May 14, 2013 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Public Disclosure - HOME Participation 4113-13

Quarterly Report - Schedule of Revenues and Expenditures 4114-13

The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. Nos. 215 and 219, Councilmember McFadden on Int. Nos. 207 and 232, Councilmember Miller on Int. No. 207, Councilmember Ortiz on Int. Nos. 197, 211 and 213, Councilmember Palumbo on Int. No. 214, and Councilmember Spaul on Int. No. 232.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Spaul submits petition with 25 signatures opposing entertainment licenses
Petition No. 1689

Councilmember Conklin submits petition with 1,246 signatures in favor of food truck vending
Petition No. 1690

President Warren submits petition with 1,250 signatures opposing the elimination of the Rochester Police Department Mounted Patrol
Petition No. 1691

PUBLIC HEARINGS.

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

Approving The Consolidated Community Development Plan/2013-14 Annual Action Plan Int. No. 208 1 speaker: Alex White.

Authorizing Submission Of The Consolidated Community Development Plan/2013-14 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development Int. No. 209 No speakers.

Appropriation Of Funds For The City Development Fund Int. No. 210 No speakers.

Authorizing Amendatory 2009-10 And 2010-11 Community Development Program Plans Int. No. 211 No speakers.

Establishing The Pavement Width Of The New Street Between East Drive And Mt. Hope Avenue As Part Of The College Town Development Project Int. No. 203 No speakers.

Approving Changes In The Pavement Width Of Crittenden Boulevard As Part Of The College Town Development Project Int. No. 204 No speakers

Approving An Increase In The Pavement Width Of Elmwood Avenue As Part Of The College Town Development Project Int. No. 205 No speakers.

Extending A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City Int. No. 218 1 speaker: Andreas Rau

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 18, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 184 - Establishing Maximum Annual Compensation For A Professional Services Agree-

ment For Administration Of Unemployment Insurance Claims

Int. No. 185 - Resolution Approving An Appointment To The Rochester Public Library Board Of Trustees

Int. No. 186 - Amending Ordinance No. 2011-132, Relating To Publication Of The City Charter And Code

Int. No. 187 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 188 - Establishing Maximum Compensation For A Professional Services Agreement For Videography And Editing Services

Int. No. 189 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Parking Violations

Int. No. 221 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Services

Int. No. 229 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

Int. No. 231 - Adoption Of The Budget Estimates For Municipal Purposes For The 2013-14 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 232 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014, And Appropriation Of Sums Set Forth Therein

Int. No. 233 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014

Int. No. 234 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014

Int. No. 235 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014

Int. No. 236 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2013 And Expiring June 30, 2014

Int. No. 237 - Amending The Municipal Code With Respect To Water Rates

Int. No. 238 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 239 - Amending The Municipal Code With Respect To Parking Rates

Int. No. 240 - Amending The Municipal Code With Respect To Parking Fines

Int. No. 241 - Amending The Municipal Code With Respect To Fines And Penalties For Violations

Int. No. 242 - Resolution Approving The 2013-14 Debt Limit For General Municipal Purposes

Int. No. 243 - Amending The Proposed 2013-14 Budget With Respect To The Police Mounted Patrol

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 223 - Authorizing An Agreement For Literacy Aides And Amending The 2013-14 Budget

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. Nos. 231, 238 and 243; voted against Int. No. 237)
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-153
Re: Agreement - Barnett Associates, Inc.,
Unemployment Claims Administration

Transmitted herewith for your approval is legislation establishing \$24,000 as maximum compensation for an agreement with Barnett Associates, Inc. (Garden City NY) to continue administration of unemployment claims for the City. The term of this agreement will be for three years; the annual cost of \$8,000 will be funded from the 2013-14, 2014-15, and 2015-16 Budgets for Undistributed Expense, contingent upon approval of the annual budgets.

Barnett Associates, Inc., the current provider of these services, was selected in 2010 through a request for proposal process. They are recommended to continue as the City provider based on the results of a new request for proposal process described in the attached summary. The firm will provide the following services:

- Process claims submitted by the New York State Office of Unemployment
- Review claims for appropriateness
- Prepare City staff as needed for hearings/appeals
- Represent the City at hearings/appeals
- Review invoices from the New York State

Department of Labor to ensure all charges are appropriate

Barnett Associates, Inc.'s performance has been highly satisfactory. Of particular note is that over the past three years, they have removed unemployment liability in excess of \$650,000 for the City.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-93

Ordinance No. 2013-153
(Int. No. 184)

Establishing Maximum Annual Compensation For A Professional Services Agreement For Administration Of Unemployment Insurance Claims

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

Section 1. The sum of \$8,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Barnett Associates, Inc. for administration of unemployment insurance claims for a term of three years. Said amounts shall be funded from the 2013-14, 2014-15 and 2015-16 Budgets for Undistributed Expense, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-12
Re: Appointment - Rochester Public Library
Board of Trustees

Transmitted herewith for your approval is legislation confirming the appointment of Wanda Martinez, 8 Treyer Street, Rochester, New York 14621, to the Board of Trustees of the Rochester Public Library.

Ms. Martinez will fill the vacancy created by the recent resignation of Rev. Errol Hunt. She will complete his term which expires December 31, 2017.

A resume for Ms. Martinez is available in the Clerk's Office for your review.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No. 2013-12
(Int. No. 185)

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-156
Re: Agreement - WXXI Public Broadcasting,
Videography and Editing Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum annual compensation for a three-year agreement with WXXI Public Broadcasting for videography, editing, and general video production services. The cost of this agreement will be funded from the 2013-14 Budget of the Communications Bureau, and subsequent budgets, pending their approval.

WXXI will provide video production services for a variety of events, including, but not limited to, press conferences, public meetings, and Clean Sweep. These services will include set-up, take-down, videography, and editing.

In addition, the consultant will deliver such City television programs and productions as CityWise, Your New Home and High School Update; commercials; interstitials, special video projects; B-roll video; field segments; and other productions upon request.

The consultant will maintain a library of these video productions and provide assistance and consultation to the City for setup and configuration of City video equipment.

The amount of compensation remains at the 2012-13 level. The term of this agreement will be for three years, July 1, 2013 to June 30, 2016, and will include an option for one three-year renewal.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-95

Ordinance No. 2013-156
(Int. No. 188)

Establishing Maximum Compensation For A Professional Services Agreement For Videography And Editing Services

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting for videography, editing and general video production services for a term of three years, with one three-year renewal option. Said amounts shall be funded from the 2013-14 and subsequent Budgets of the Bureau of

Communications, contingent upon adoption of subsequent Budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-157
Re: Amending the Municipal Code,
Traffic Ordinance

Transmitted herewith for your approval is legislation amending Chapter 111 of the Municipal Code, Traffic Ordinance to incorporate and standardize basic parking regulations into the Code.

While many basic parking regulations are already listed in Chapter 111, for others, the City has relied upon violations established in the New York State Vehicle and Traffic Law. This has required the parking ticket to cite both the New York Vehicle and Traffic Law and the Municipal Code. Without these amendments, different penalties would apply to similar violations, as the recently adopted State budget added a surcharge to certain state parking violations. These amendments will allow the City to retain control over the penalties imposed for parking violations, and to avoid having higher penalties applied to some State violations. Among the regulations to be included in Chapter 111 are the following:

- No stopping within 15 feet of a fire hydrant
- No stopping within 30 feet of the approach to a stop or yield sign
- No standing within 20 feet of a driveway to fire station
- No standing within 75 feet of and opposite a driveway to fire station
- No standing within 50 feet of a railroad crossing
- Must be parked with wheel within 12 inches of the curb
- No standing within 20 feet of a crosswalk

These specific provisions will only be applicable in locations where there is not a parking sign already designating the applicable regulation. Since most parking spaces in the City are designated by signage, the amendments should have only a minimal effect on legal parking spaces.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-157
(Int. No. 189)

Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Parking Violations

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

Section 1. Chapter 111 of the Municipal Code, Traffic Ordinance, as amended, is hereby further amended by amending subsections F and G of Section 111-23, Stopping, standing or parking prohibited in certain places, to read in their entirety as follows:

- F. Within 50 feet of the approach to any intersection at which is located a traffic control signal or within 30 feet of the exit side of such intersection.
- G. On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

Section 2. Chapter 111 of the Municipal Code, Traffic Ordinance, as amended, is hereby further amended by adding the following new subsections to Section 111-23, Stopping, standing or parking prohibited in certain places:

- I. Within 15 feet of a fire hydrant.
- J. Within 30 feet of the approach to any stop or yield sign.
- K. Within 25 feet of a crosswalk.
- L. On a railroad crossing.
- M. In the area between roadways of a divided highway, including crossovers, except in an emergency.
- N. On an expressway, including the entrances thereto and exits therefrom, except in an emergency.
- O. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- P. Engage in the retail sale of frozen desserts, as that term is defined in subdivision 37 of Section 375 of the Vehicle and Traffic Law, directly to pedestrians on any street having a speed limit in excess of 30 miles per hour.
- Q. Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a two-way roadway shall be so stopped, standing, or parked with the right-hand wheels of such vehicle parallel to and within 12 inches of the right-hand curb or edge of the roadway.
- R. Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a one-way roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway, in the direction

of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

- S. Except where angle parking is authorized, every vehicle stopped, standing, or parked partly upon a roadway shall be so stopped, standing, or parked parallel to the curb or edge of the roadway. On a one-way roadway such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.
- T. Upon any street, for the purpose of displaying such vehicle for sale.
- U. Upon any street, while repairing said vehicle, except for such repairs as may be necessitated by an emergency.

Section 3. Chapter 111 of the Municipal Code, Traffic Ordinance, as amended, is hereby further amended by adding thereto the following new Section:

§ 111-24. Standing or parking prohibited in specified places.

No person shall stand or park a vehicle, except momentarily to pick up or discharge a passenger or passengers, or when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or traffic control device, in any of the following places, unless otherwise indicated by official signs, markings or parking meters:

- A. Within 50 feet of a railroad crossing.
- B. Within 20 feet of a crosswalk.
- C. Within 20 feet of the driveway entrance to any fire station, and, when on the side of the street opposite to the entrance of any fire station, within 75 feet of said entrance, when signs are properly posted.
- D. Alongside or obstructing a curb area which has been cut down, lowered or constructed so as to provide accessibility to the sidewalk.

Section 4. This ordinance shall take effect on July 26, 2013.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-158
Re: Amendatory Agreement - Consilium1,
LLC for Information Technology Project
Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Consilium 1 for continued support services for information technology projects. Ordinance No. 2012-315 established \$60,000 as maximum compensation for a term of 22 months, which expires August 2014. This agreement will increase compensation by \$100,000 for a total of \$160,000. The additional cost will be funded from previous years' Cash Capital.

Consilium 1, selected through a request for proposal process, was brought in along with Technisource, also under an agreement for \$60,000, to augment Information Technology Department (ITD) staff so that the deployment of Windows 7 and the RPD Records Management (RMS) project could proceed. It was anticipated that completion of these two projects would shift to ITD staff. However, the consequent workload created by ongoing ITD projects and other major initiatives have prevented this.

Windows 7 is slated for deployment in advance of April 2014, when Microsoft will end technical support for Windows XP. And work with the County is underway to replace computers in approximately 300 RPD vehicles with new units that connect to the recently implemented RPD RMS.

This amendatory agreement will allow for timely completion of these projects.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-158
(Int. No. 221)

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

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

Section 1. The sum of \$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 Consilium 1 for project support services for information technology activities through August 31, 2014. 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. 2013-159
Re: Agreement - Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$89,000 as maximum compensa-

tion for an agreement with Ken Brown of Chevy Chase, Maryland for federal lobbying services from July 1, 2013 through June 30, 2014. The cost of this agreement will be funded from the 2013-14 Budget of the Law Department. This amount includes a \$7,250 monthly fee and an allowance of \$2,000 for documented incidental expenses and travel.

Over the past year, Mr. Brown has worked in support of several City initiatives through direct advocacy with the City's congressional delegation and Federal agencies. These efforts included:

- Support for grant applications resulting in awards for projects in the city including:

Photech Site infrastructure
Economic Development Administration
\$700,000 to City

Brooks Landing Redevelopment Project-
clean-up of 937-941 Genesee Street
Environmental Protection Agency
\$200,000 to City

Rochester Intermodal Station
Department of Transportation TIGER
\$15 million to NYSDOT

- Ensured language was included in the Senate version of the Water Resources Development Act (WRDA) which will make it easier for the City to obtain long-term funding for the dredging of Rochester Harbor
- Supported City work with delegation and Coast Guard to facilitate and expedite the transfer of Coast Guard property to the City for the Port redevelopment project
- Assisted in development of TIGER grant application for the Inner Loop project
- Worked with the National Brownfields Coalition to develop and support the introduction of legislation that will reauthorize and improve the federal brownfields law.
- Worked with the U.S. Conference of Mayors to lend the City's support for:
 - Legislation to enable local and state government to enforce the collection of sales tax on internet sales
 - Efforts to preserve the tax-exempt status for municipal bonds
 - Preserving federal funding for important local government priorities (e.g., CDBG, COPS, TIGER grants, etc.)

During 2013-14, Mr. Brown will continue to work with the City on the following:

- Implementation of the City's strategy to obtain consistent, long-term funding for the dredging of Rochester Harbor

- Seek federal transportation funding to support the Inner Loop project
- Work with the Economic Development Administration and other federal agencies to obtain federal assistance to minimize the impact of potential ongoing downsizing at Kodak
- Assist the City in working with the Coast Guard and Department of Homeland Security to facilitate the transfer of property for the Port redevelopment project
- Assist the City in developing and maintaining relationships with key officials at the Department of Transportation, U.S. EPA, HUD, Department of Commerce, Department of Justice, Department of Labor, Army Corps of Engineers, Department of Homeland Security, and other federal agencies
- Monitor and advocate for national legislation that will provide opportunities for the City to obtain federal assistance for its community revitalization priorities, including brownfields legislation, transportation reauthorization legislation, infrastructure legislation, FY 2014 funding for local government priorities, and other matters impacting local governments.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2013-159
 (Int. No. 229)

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 \$89,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ken Brown for the provision of Federal lobbying services for one year. Said amount shall be funded from the 2013-14 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

- Ordinance No. 2013-160,
- Ordinance No. 2013-161,
- Ordinance No. 2013-162,
- Ordinance No. 2013-163,
- Ordinance No. 2013-164
- Local Improvement Ordinance No. 1676,
- Ordinance No. 2013-165,
- Ordinance No. 2013-166,
- Ordinance No. 2013-167,

Ordinance No. 2013-168, and
 Ordinance No. 2013-169
 Re: 2013-14 Budget

Transmitted herewith for your approval is legislation relating to the 2013-14 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and streetscape districts
 - e. Downtown Special Services District (previously Downtown Guides)
 - f. Downtown Enhancement District
 - g. High Falls Improvement District
 - h. South Avenue Alexander Street Open Space
 - i. St. Paul Street Streetscape
 - j. Mt. Hope Streetscape
 - k. Upper East Alexander Entertainment-Refuse
 - l. 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 2013-14 proposed budget of the City submitted to City Council on May 17, 2013 are summarized below:

1. Total appropriations of \$1,215,919,677 allocated for the City and the School District

	Proposed 2013-14	Amended 2012-13	Dollar Difference	Percent Difference
City	\$ 481,695,300	\$ 491,796,000	\$ -10,100,700	-2.1
School	734,224,377	728,783,553	5,440,824	+0.7
Total	\$1,215,919,677	\$1,220,579,553	\$ -4,659,876	-0.4

Total non-tax revenue distributed between the City and the District:

	Proposed 2013-14	Amended 2012-13	Dollar Difference	Percent Difference
City	\$ 436,048,370	\$ 446,149,070	\$ -10,100,700	-2.3
School	621,079,377	615,638,553	5,440,824	+0.9
Total	\$1,057,127,747	\$1,061,787,623	\$ -4,659,876	-0.4

2. Total tax levies of \$167,149,400 for the City and City School District

	Proposed 2013-14	Amended 2012-13	Dollar Difference	Percent Difference
Tax Revenue	\$158,791,930	\$158,791,930	\$ 0	0.0
Tax Reserve	8,357,470	8,357,470	0	0.0
Tax Levy	\$167,149,400	\$167,149,400	\$ 0	0.0

3. Total appropriations for the Local Works fund of \$19,186,500 and total assessments of \$19,092,700

	Proposed 2013-14	Amended 2012-13	Dollar Difference	Percent Difference
Street Maintenance	\$ 5,287,218	\$ 4,295,079	\$ 992,139	23.1
Sidewalk Repair	532,086	2,455,708	-1,923,622	-78.3
Roadway Plowing	9,937,432	9,220,120	717,312	7.8
Sidewalk Plowing	3,335,964	2,680,493	655,471	24.5
Total	\$19,092,700	\$18,651,400	\$ 441,300	2.4

4. Program Assessments

The budgets for security and snow removal at the Public Market were approved on February 19, 2013. On April 16, 2013, the following budgets were approved: parking lots; East Avenue and Alexander Street Entertainment District; High Falls Business Improvement District; South Avenue/Alexander Street Open Space District; street malls; street lighting and streetscapes; and the Downtown Enhancement District. The budget for Downtown Special Services was approved on May 14, 2013. The budget for the parking lots was approved on May 22, 2012. The ARTWalk District was approved in 2010 and the Mt. Hope Streetscape was approved on April 24, 2012. The assessments required are as follows:

	Proposed 2013-14	Amended 2012-13	Dollar Difference	Percent Difference
Street Malls	\$ 29,133	\$ 28,334	\$ 799	2.8
Parking Lots	86,125	74,778	11,347	15.2
Public Market	40,897	38,477	2,420	6.3
Lighting and Streetscapes	43,008	46,181	-3,173	-6.9
Downtown Special Services	471,547	503,509	-31,962	-6.3
Downtown Enhancement	568,000	568,500	-500	-0.1
High Falls	25,000	25,000	0	0.0
Atlantic Avenue	0	2,342	-2,342	-100.0
South Alexander Open Space	2,641	0	2,641	100.0
St. Paul Street Streetscape	20,649	20,649	0	0.0
Mt. Hope Streetscape	30,000	0	30,000	100.0
East/Alexander Entertainment	19,677	20,315	-638	-3.1
ARTWalk District	280,366	39,524	240,842	609.4

5. Proposed additions to the tax roll consist of the following charges:

	Proposed 2013-14	Amended 2012-13	Dollar Difference	Percent Difference
Delinquent Refuse	\$ 560,110	\$ 626,568	\$ -66,458	-10.6
Delinquent Water	5,895,897	6,557,651	-661,754	-10.1
Code Enforcement	85,505	52,006	33,499	64.4
Supplemental and Omitted Taxes	113,837	190,369	-76,532	-40.2
Local Improvements	0	901	-901	-100.0
Encroachments	3,850	4,025	-175	-4.3
Rehabilitation	285,651	182,354	103,297	56.6
Code Violations	1,579,639	1,262,475	317,164	25.1
Arnold Park Monuments	5,118	7,055	-1,937	-27.5
Case Management Fees	86,880	386,760	-299,880	-77.5

6. Fee increases & Code Changes

- 6A. A local works increase is proposed to balance the Local Works Fund. The proposed increase is expected to result in \$338,600 additional revenue.
- 6B. A water rate increase and a restructuring of usage tiers are proposed to balance the Water Fund. The proposed increase is expected to result in \$1,011,200 additional revenue.
- 6C. A residential refuse rate increase is proposed to balance the Refuse Fund. The proposed increase is expected to result in \$360,000 additional revenue.
- 6D. Amending the City Code for increases in parking fines and rates are necessary to balance the parking fund resulting in the following incremental revenue:

Garage rates	\$ 507,100
Parking fines	402,400
Meters and pay stations	182,900
	<u>\$1,092,400</u>

- 6E. Amending the City Code for proposed fine increases for amusements, dance halls, commercial travelers, solicitors, special promotional events, secondhand dealers, taxicabs, and towing will result in incremental revenues of approximately \$7,500.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-96

Ordinance No. 2013-160
(Int. No. 231, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2013-14 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, 2013 to June 30, 2014, providing for the expenditure of \$481,695,300, 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 2013-14 are hereby authorized to be expended and the sum of \$481,695,300 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk	\$ 1,767,300
Administration	7,290,000
Neighborhood and Business Development	13,610,600
Environmental Services	80,021,900
Finance	12,402,900
Information Technology	6,220,700
Law	1,983,000

Library	11,044,300	
Recreation and Youth Services	11,114,600	
Emergency Communications	13,688,500	
Police	86,432,400	<u>86,472,000</u>
Fire	45,764,200	
Undistributed Expenses	120,661,500	
Contingency	4,549,400	<u>4,509,800</u>
Cash Capital	29,646,000	
Debt Service	35,498,000	
Sub-total	\$481,695,300	
Tax Reserve	2,402,470	
Total	\$484,097,770	

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 2013-14 is hereby fixed and determined at \$436,048,370 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2013-14 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 2013-14.

Section 6. This ordinance shall take effect on July 1, 2013.

Strikeout material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2013-161
(Int. No. 232)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014, 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, 2013 to June 30, 2014, providing for the expenditure of \$734,224,377, 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 2013-14 are hereby authorized to be expended and the sum of \$734,224,377 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$688,057,200
Cash Capital	10,583,769
Debt Service	<u>35,583,408</u>
Subtotal	<u>734,224,377</u>
Tax Reserve	<u>5,955,000</u>
Total	\$740,179,377

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2013-14 is hereby fixed and determined at \$621,079,377 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2013-14 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, 2013.

Passed unanimously.

Ordinance No. 2013-162
(Int. No. 233)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014

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, 2013 and expiring June 30, 2014 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, 2013 and expiring June 30, 2014.

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, 2013 and expiring June 30, 2014.

Section 3. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

Ordinance No. 2013-163
(Int. No. 234)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014

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, 2013 and expiring June 30, 2014 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, 2013 and expiring June 30, 2014.

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, 2013 and expiring June 30, 2014.

Section 3. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

Councilmember Conklin moved to amend Int. No. 235.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

Ordinance No. 2013-164
(Int. No. 235, As Amended)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2013 And Expiring June 30, 2014

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, 2013 and expiring June 30, 2014 are hereby in all respects confirmed:

Street and Lot Maintenance	\$5,287,217.61
Roadway Snow Removal	9,937,432.20
Sidewalk Snow Removal	3,335,964.27
Hazardous Sidewalk Repair	532,085.93
Delinquent Refuse	560,110.33
Delinquent Water Charges	5,895,896.81
Supplemental Taxes	110,300.35
Omitted Taxes	3,536.33
Street Malls	29,133.00
Arnold Park Monuments	5,118.27
Parking Lots	86,125.00

Code Enforcements	85,504.90	
Code Violations	1,579,639.00	
Downtown Enhancement	568,000.00	
Public Market Plowing	5,873.49	
Public Market Security	35,023.24	
Encroachment Fees	3,850.00	
Rehabilitation Charges	285,650.78	
Downtown Special Services	471,547.00	
Lyell Avenue Street Lights - District I	2,633.58	
Lyell Avenue Street Lights - District II	2,662.12	
Wilson Boulevard Street Lights	624.08	
Blossom Road Lights	609.42	
Monroe Avenue Lights I	7,361.21	
Monroe Avenue Lights and Sidewalk II	9,645.12	
Norton Street Lights	1,479.93	
Norton Street Streetscape	2,815.00	
Cascade Lights	1,603.00	
Cascade Streetscape	5,000.00	
Lake Avenue Lights	4,424.92	
High Falls Business Improvement District	25,000.00	
St. Paul Street Streetscape	20,649.38	
St. Paul Street Lighting	581.38	
Rundel Park Lighting	3,168.68	
Upper East Alexander Refuse	19,677.00	
East Main Street Lights	399.14	
ARTWalk	280,366.38	
Case Management Fees	86,880.00	
South Alexander Open Space District	2,341.79 <u>2,641.00</u>	
Mt. Hope Streetscape	30,000.00	

Section 2. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

Local Improvement Ordinance No. 1676
(Int. No. 236)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2013 And Expiring June 30, 2014

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, 2013 to June 30, 2014; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2013 to June 30, 2014:

- 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 2013-14 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 2013-14 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, 2013 shall be \$19,092,700 consisting of \$5,287,218 for street and lot maintenance, \$532,086 for sidewalk repair, \$9,937,432 for roadway snow removal and \$3,335,964 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, 2013 and June 30, 2014, 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, 2013 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, 2013.

Passed unanimously.

Ordinance No. 2013-165
(Int. No. 237)

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, C and D thereof to read in their entirety as follows:

A. Consumption rates.

- (1) Consumption Charge; schedule of rates.

Gallons Consumed Per Month	Charge per 1,000 Gallons
0 to 300,000	\$3.31
300,000 to 1,000,000	\$2.98
1,000,000 to 13,000,000	\$2.32
Over 13,000,000	\$1.32

(2) Base Charge.

Size of Meter (inches)	Charge Per Month
Up to ¾"	\$6.88
1"	\$36.88
1 ½"	\$54.63
2"	\$73.07
3"	\$182.60
4"	\$364.85
6"	\$546.96
8"	\$729.07
10"	\$911.32

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2"	\$38.00
4"	\$76.00
6"	\$150.00
8"	\$299.00
10"	\$441.00
12"	\$635.00

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2"	\$105.00
4"	\$211.00
6"	\$281.00
8"	\$561.00
10"	\$828.00

(3) Holly high-pressure consumption charge: \$10.14 per 1,000 gallons.

D. Service connection fees.

Size of Service (inches)	Fee
¾"	\$80.00
1"	\$90.00
1 ½"	\$200.00
2"	\$275.00
4" through 12"	Actual cost plus 10%, but at least \$500.00

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection E(5)(b) thereof to read in its entirety as follows:

- (b) Furnish and install fire hydrant locking device: \$350.

Section 3. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections F(2), (4), (5) and (8) thereof to read in their entirety as follows:

- (2) Thawing frozen service.
 - (a) First attempt: \$80.
 - (b) Subsequent attempts: \$90.
- (4) Meter test charges:
 - (a) 5/8" through 1": \$95.
 - (b) 1 1/2" through 2": \$150.
 - (c) 3" and Over: \$190.
- (5) Service disconnection charges, also known as an "abandonment fee": \$1,500.
- (8) Test backflow prevention device: \$160.

Section 4. This ordinance shall take effect on July 1, 2013.

Passed by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.
 Nays - President Warren - 1.

Ordinance No. 2013-166
(Int. No. 238)

Amending The Municipal Code With Respect To Refuse Fees

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

Section 1. Section 20-24 of the Municipal Code, Residential and commercial user refuse fees, as amended, is hereby further amended by amending subsection A(1) thereof to read in its entirety as follows:

(1) Fees:

	<u>Number of Dwelling Units</u>	<u>Annual Fee</u>
	1	\$366.00
	2	734.00
	3	814.00

Section 2. This ordinance shall take effect on July 1, 2013.

Passed by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo Scott, Spaul - 8.
 Nays - President Warren - 1.

Ordinance No. 2013-167
(Int. No. 239)

Amending The Municipal Code With Respect To Parking Rates

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

Section 1. Subsection A of Section 111-99 of the Municipal Code, Parking rates for on-street parking, as amended, is hereby further amended to read in its entirety as follows:

A. The following rates are established for on-street parking, except as provided in subsection B:

Class				D			C	B	A	10Hr.
Minutes	2	4	10	12	20	26	40	60	120	600
Cost	\$0.05	\$0.10	\$0.25	\$0.30	\$0.50	\$0.65	\$1.00	\$1.50	\$3.00	\$15.00

Section 2. Section 111-113 of the Municipal Code, Parking rates for parking stations, as amended, is hereby further amended to read in its entirety as follows:

Section 111-113. Parking rates for parking stations.

The following rates are established for parking in parking stations where the Parking Director does not establish a set fee:

Class										A	B	
Minutes	2	4	10	12	20	26	40	60	120	600		
Cost	\$0.05	\$0.10	\$0.25	\$0.30	\$0.50	\$0.65	\$1.00	\$1.50	\$3.00	\$15.00		

Section 3. Subsection A(1) of 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 to read in its entirety as follows:

- (1) Short-term rates, which shall apply from 6:00 a.m. or 6:30 a.m. to garage closing, depending upon the garage schedule: \$2 for the first two hours, and \$2 for each hour thereafter, or any part thereof, up to the daily maximum.

Section 4. Subsection A(4) of 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 to read in its entirety as follows:

- (4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday parking shall be as follows:
 - (a) High Falls Garage, Court Street Garage, Midtown Garage, Genesee Crossroads Garage, Sister Cities Garage, South Avenue Garage and Washington Square Garage: \$10.00.
 - (b) Mortimer Street Garage: \$7.00.

Section 5. Subsection A(5) of Section 111-119 of the Municipal Code is hereby further amended to read in its entirety as follows:

- (5) Weekend rates. The short term rates set forth in Subsection A(1) above shall apply in the High Falls Garage, Court Street Garage and South Avenue Garage, when open and staffed on days not designated for special events, with a daily maximum of \$6.

Section 6. 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 subsections A(6)(a)-(g) to read in their entirety as follows:

- (a) Court Street Garage: \$86 for parking in the general area, \$52 for parking in the rooftop area, \$102 for parking in the premium area, and \$133 for parking in the reserved area.
- (b) Genesee Crossroads Garage: \$86.
- (c) High Falls Garage: \$69 for parking in the general area and \$112 for parking in the reserved area.
- (d) South Avenue Garage and Midtown Garage: \$86.
- (e) Sister Cities Garage: \$86 for parking in the general area and \$102 for parking in the premium area.
- (f) Mortimer Street Garage: \$52 for parking in the garage and in the surface lot.
- (g) Washington Square Garage: \$86 for parking in the general area of the garage, \$102 for parking in the reserved area of the garage, and \$24 for parking in the Wadsworth Square Lot.

Section 7. Subsection A(7) of Section 111-119 of the Municipal Code is hereby further amended by changing the maximum special events fee established from "\$5" to "\$7".

Section 8. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

Ordinance No. 2013-168
(Int. No. 240)

Amending The Municipal Code With Respect To Parking Fines

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

Section 1. Section 111-85 of the Municipal Code, Fines and penalties for offenses and fees, as amended, is hereby further amended to read in its entirety as follows:

- (a) Overtime or expired time for meter, paystation, or non-meter parking: \$25.
- (b) Restricted area: \$35
- (d) Handicapped zone: \$120
- (e) Less than 15 feet from hydrant: \$90

Section 2. This ordinance shall take effect on July 1, 2013.

Passed unanimously.

Ordinance No. 2013-169
(Int. No. 241)

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	\$100	\$200
Second offense	\$200	\$400
Third and subsequent offenses	\$300	\$600

Section 2. This ordinance shall take effect on August 1, 2013 or upon approval of the amount of the new penalties by the City Court Judges, whichever shall occur later.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-13
Re: 2013-14 Debt Limit

Transmitted herewith for your approval is legislation establishing the Debt Limit, Debt Rollover, and Debt Extension amounts for the 2013-14

Budget.

2013-14 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 2013-14 is \$16,113,000.

The attached 2013-14 Debt Authorization Plan details the uses for \$16,113,000 in borrowing to be supported by tax funds, and \$7,417,000 in borrowing to be supported by City Enterprise Funds (Water and Parking).

Debt Rollover 2012-13 and 2011-12

The Debt Authorization Plans for the current and the two immediately prior fiscal years can remain open contingent upon the approval of the rollover amounts. This provides flexibility in the timing of authorizations which vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of unauthorized items in the debt plan that are no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2012-13 - \$12,407,000

The Debt Limit for this year was \$16,829,000. Of that amount, \$4,422,000 has been authorized, leaving a balance of \$12,407,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2012-13 itemizes projects remaining for that year and the details of the changes resulting from the Capital Project Acceleration authorized by Council in December, 2012.

2011-12 - \$4,500,000

The Debt Limit for this year was \$16,579,000. Of that amount, \$12,079,000 has been authorized, leaving a balance of \$4,500,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2011-12 itemizes projects remaining for that year.

Time Limit Extensions for 2010-11, 2009-10, 2008-09, 2007-08 and 2006-07

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 and that future replacement funds are not likely to be avail-

able. One-year extensions are requested for the following items based on programming and timing:

<u>Purpose</u>	<u>Amount</u>
<u>2010-11 Project</u>	
F-1 Rundel Library Renovations renovation	\$3,700,000
G-9 Midtown Redevelopment III street rehabilitation	1,213,000
T-3 Milling & Resurfacing street rehabilitation	1,142,000
T-4 Residential Street street rehabilitation	574,000
T-1 Culver Road street rehabilitation	385,000
T-3 Pavement Program rehabilitation	325,000
F-2 Investigation and Remediation contaminated sites w/in city	575,000
G-7 Charlotte Lighthouse renovation	150,000
G-3 Acquisition development	379,000
Total 2010-11 Extension	<u>\$8,443,000</u>

<u>2009-10 Project</u>	
F-1 Rundel Library Renovations renovation	\$ 196,000
T-1 Culver Road street rehabilitation	44,000
T-2 Mt. Hope Avenue Phase II street rehabilitation	80,000
T-4 Residential Street rehabilitation	742,000
G-7 Charlotte Lighthouse Promenade port development	53,000
F-2 Investigation and Remediation contaminated sites w/in city	625,000
F-1 City Hall rehabilitation	125,000
T-3 Pavement Program street rehabilitation	42,000
Total 2009-10 Extension	<u>\$1,907,000</u>

<u>2008-09 Project</u>	
F-2 Investigation and Remediation contaminated sites w/in city	\$ 86,000
G-8 Capron Street/South Avenue downtown development	237,000
G-7 Waterfront Planning acquisition	700,000
G-7 River Street Extension acquisition	609,000
T-2 Broad Street/East/Chestnut street rehabilitation	54,000
T-4 Residential Rehabilitation street rehabilitation	176,000
Total 2008-09 Extension	<u>\$1,862,000</u>

<u>2007-08 Project</u>	
F-2 Hazardous Waste Remediation contaminated sites w/in city	\$ 870,000
G-8Historic Aqueduct Redevelopment Broad St. aqueduct renovation	324,000
F-2 Hazardous Waste Remediation Olean Kennedy	100,000
F-2 Investigation and Remediation contaminated sites w/in city	545,000
Total 2007-08 Extension	<u>\$1,839,000</u>

2005-06 Project

G-7 Waterfront Planning & Acquisition	
Port development	\$ 938,000
Total 2005-06 Extensions	<u>\$ 938,000</u>

Each of these projects depends upon the partnership of developers and the cooperation of other governments. Like any business venture, delays are inevitable when financial or regulatory obstacles delay implementation. The City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-97

Resolution No. 2013-13
(Int. No. 242)

Resolution Approving The 2013-14 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 2013-14 to \$16,113,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2011-12 and 2012-13 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 2010-11 relating to Rundel Library renovations, Midtown Redevelopment III, milling and resurfacing, street rehabilitation including but not limited to Culver Road, pavement program, hazardous waste investigation and remediation at contaminated City sites, Charlotte Lighthouse renovation, and land acquisition; for fiscal year 2009-10 relating to Rundel Library renovations, hazardous waste investigation and remediation at contaminated City sites including but not limited to Seneca Avenue, street rehabilitation including but not limited to Mount Hope Avenue

and Culver Road, rehabilitation of City Hall, pavement program, and port development at Charlotte Lighthouse Promenade; for fiscal year 2008-09 relating to street rehabilitation for Broad Street East-Chestnut Street, residential street rehabilitation, hazardous waste investigation and remediation at contaminated City sites, downtown development near Capron Street-South Avenue, waterfront planning and acquisition, and River Street extension acquisition; for fiscal year 2007-08 relating to hazardous waste investigation and remediation at Olean Kennedy and contaminated City sites, and Historic Aqueduct Redevelopment, and for fiscal year 2005-06 relating to 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-170
Re: Amend Proposed 2013-14 Budget RPD
Mounted Patrol

Transmitted herewith for your approval is legislation regarding the reinstatement of the Rochester Police Department Mounted Patrol. Within the proposed 2013-14 Budget was the elimination of the Mounted Patrol and the transfer of the officers to the Tactical Unit.

Over the past few weeks, Council has continuously heard from numerous individual constituents and groups about the benefit that the Mounted Patrol provides to our city and its residents. This legislation will amend the Proposed Budget to provide the Rochester Police Department with four officers and five horses in the Mounted Patrol Unit for the 2013-14 Fiscal Year.

In addition, this legislation states that a study will be done this calendar year on the Mounted Patrol so that the findings can be analyzed and incorporated into the 2014-15 Budget.

Respectfully submitted,

Lovely A. Warren
City Council President

Carolee A. Conklin
Chair, Finance Committee

Adam C. McFadden
Chair
Public Safety, Youth & Recreation Committee

Ordinance No. 2013-170
(Int. No. 243)

**Amending The Proposed 2013-14 Budget
With Respect To The Police Mounted Patrol**

WHEREAS, although there is a continued need to allocate police resources to directly combat violence, the continuation of the Rochester Police Department's Mounted Patrol is also desired to the extent of maintaining a Mounted Patrol of four officers and five horses. During the year, a study of the way in which the Mounted Patrol is deployed in other cities shall be conducted to determine if its value to the efforts of greatest importance of crime prevention can be enhanced. This study shall also consider alternative ways in which the Mounted Patrol can be funded, including private contributions. The study with recommendations shall be concluded by the end of the calendar year, so that its recommendations can be incorporated in the 2014-15 Budget.

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

Section 1. The proposed 2013-14 Budget of the City of Rochester is hereby amended by transferring the sum of \$39,600 from the Contingency allocation to the Rochester Police Department to additionally fund the Mounted Patrol.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-171
Re: Inter-Municipal Agreement - Rochester
City School District, Summer Literacy

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the receipt and use of \$20,000 to support summer literacy programming in the branch libraries, and amending the 2013-14 Budget of the Library (Community Library) to reflect this amount. The term of the agreement will be July 1 through September 1, 2013.

As part of its ongoing literacy programs, the Rochester Public Library provides enhanced summer programming to RCSD students to maintain and improve children's reading skills. The RPL typically fills the part-time Literacy Aide positions with high school students who live in the communi-

ty of the branch library using the Aides. The Aides work under the supervision of RPL staff to engage children through library programming, including storytelling, reading assistance, creation of materials, gaming, and participation in RPL programs.

Under this agreement, the RCSD will reimburse the City for the cost of hiring up to eleven Literacy Aides for assignment to the Arnett, Highland, Lincoln, Maplewood, Sully, and Wheatley branch libraries. The students, who must meet District academic and Library hiring standards, will be selected by the District. The Library will train and supervise the Aides. The reimbursement amount will cover associated wages, benefits, and program materials.

These positions will benefit the community by providing additional employment opportunities for high-performing RCSD students, reinforcing the third grade literacy goals through the ROC the Future initiative, and promoting the Monroe County Library System summer reading and RocRead programs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-171
(Int. No. 223)

Authorizing An Agreement For Literacy Aides And Amending The 2013-14 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for reimbursement for summer literacy aides at branch libraries of the Rochester Public Library.

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

Section 3. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, is hereby amended by increasing the revenue estimates and appropriations to the Rochester Public Library by the sum of \$20,000, which amount is hereby appropriated from funds to be received under the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
June 18, 2013

To the Council:

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

Int. No. 190 - Authorizing The Sale Of Real Estate

Int. No. 191 - Authorizing The Acquisition Of A Parcel To Effectuate The Focused Investment Strategy

Int. No. 192 - Authorizing A Lease Agreement For The Northwest Neighborhood Service Center

Int. No. 193 - Authorizing A Lease Agreement For The Southeast Neighborhood Service Center, As Amended

Int. No. 194 - Authorizing A Lease Agreement For The West Side Police Precinct

Int. No. 195 - Authorizing An Amendatory Agreement For The Marketview Heights Homeownership Project

Int. No. 196 - Amending Ordinance No. 2012-288 Relating To The Lead Hazard Control Grant Program

Int. No. 197 - Amending Ordinance No. 2012-293 Relating To Targeted Housing Improvement Programs

Int. No. 212 - Approving Business Programs

Int. No. 213 - Authorizing Agreements And Appropriating Funds For The Home Rochester Program

Int. No. 214 - Approving Consolidated Plan Rental Market Fund Programs

Int. No. 215 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinances

Int. No. 216 - Approving The Homebuyer Assistance Program

Int. No. 217 - Approving Consolidated Plan Homeownership Promotion Fund Programs

Int. No. 228 - Amending Ordinance No. 2011-353, Relating To Loan Agreements For The Hardy Park Apartments Project

Int. No. 230 - Amending Ordinance No. 2011-322 Relating To Home Repair Programs And Rescinding Ordinance No. 2013-123

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

Int. No. 208 - Approving The Consolidated Community Development Plan/2013-14 Annual Action Plan

Int. No. 209 - Authorizing Submission Of The Consolidated Community Development Plan/2013-14 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 210 - Appropriation Of Funds For The City Development Fund

Int. No. 211 - Authorizing Amendatory 2009-10 And 2010-11 Community Development Program Plans

Respectfully submitted,
 Carla M. Palumbo (Abstained on Int. No. 214)
 Carolee A. Conklin
 Jacklyn Ortiz (Abstained on Int. Nos. 197, 211 and 213)
 Lovely A. Warren
 Dana K. Miller
 NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-172
 Re: Sale of Real Estate

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

The first three properties are vacant lots, all of which are being sold to their adjacent owners who will combine the lots with their current parcels.

The fourth property will be used to construct a single family home and then marketed to an owner-occupant, first-time homebuyer.

The last four 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 eight properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,070.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-98

Ordinance No. 2013-172
 (Int. No. 190)

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>
171 Ellicott St	135.33-1-10	41 x 118	4,761	\$425	Madeline Andrews-Reed
21 Merrimac St	106.40-4-41.1	107 x 85	7,943	\$ 50	James Peterson, Sr.
52 Webster Av	106.68-2-64	50 x 140	7,000	\$475	James & Lucy Yeomas
97 Woodward St	106.73-2-3.1	66 x 138	9,280	\$550	Greater Rochester Housing Partnership (GRHP)*

* Board of Directors: Kevin Recchia, Esq., President; Bret Garwood, Vice President; Alma Balanon-Rosen, Secretary; Joan Dallis, Member; Gerry DiMarco, Esq., Member; Kabutey Ocansey, Member; Julio Vazquez, Member

Section 2. The Council hereby approves the negotiated sale of the following parcels of 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>
224 Durman St	091.74-4-30	17 x 80	1,400	Walter L. Morehead
68 Joseph Pl	091.80-1-44	35 x 110	3,930	David Gross
85 Joseph Pl	091.80-1-53	37 x 110	4,088	Betty Sue Gross
111-113 Melville St	107.53-3-25.1	62 x 81	5,067	John & Almenia Nesmith

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-173
Re: Acquisition - 298-304 Selye Terrace

Transmitted herewith for your approval is legislation authorizing the acquisition of 298-304 Selye Terrace. The purchase price of \$32,000 was established by an independent appraisal prepared by Midland Appraisal Associates on January 12, 2013. The total cost of acquisition, including closing costs, will not exceed \$42,000, and will be funded from 2012-13 Cash Capital (Focused Investment Strategy).

This property, located in the Dewey-Driving Park Focused Investment Strategy (FIS) area, includes a four-family house (approximately 3,180 square feet), and is a key parcel in the area. While the general area has experienced investment, this parcel is in below-average condition, causing significant blight to the immediate area.

Acquisition will allow the City to work with neighborhood stakeholders to guide the potential redevelopment of this property. The property will be offered for sale through a Request for Proposal process.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-99

Ordinance No. 2013-173
(Int. No. 191)

Authorizing The Acquisition Of A Parcel To Effectuate The Focused Investment Strategy

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

Section 1. The Council hereby approves the acquisition of 298-304 Selye Terrace, SBL No. 090.810-1-34, from Curtis Woods, for an amount not to exceed \$32,000 to effectuate the Focused Investment Strategy (FIS) in the Dewey-Driving Park FIS area.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$42,000, including acquisition and closing costs, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-174
Re: Lease Agreement - Charles Settlement
House, Northwest Neighborhood Service
Center

Transmitted herewith for your approval is legisla-
tion authorizing a lease agreement with Charles
Settlement House for the lease of approximately
5,000 square feet of space at their facility located at
71 Parkway. The term of the lease will be for three
years, with the option for three one-year renewals.
The cost of this agreement will be financed from
the 2013-14 and subsequent annual Budgets of the
Department of Neighborhood and Business Develop-
ment contingent upon their approval of the annual
budgets.

This office space will accommodate the functions
of the Northwest Neighborhood Service Center
(NW-NSC). The NW-NSC office has been located
at 1099 Jay Street for several years. The new loca-
tion is more strategically located within the quad-
rant, which will provide opportunities to enhance
customer service and community engagement.

The annual cost will be \$30,000 (\$6.00 per square
foot) for the first three years. The annual rent will
increase for the three renewal years to \$32,700
(\$6.54 per square foot), \$33,681 (\$6.74 per square
foot), and \$34,691 (\$6.94 per square foot), respec-
tively. The rental amount was established through
an independent appraisal prepared by Bruckner,
Tillet, Rossi, Cahill & Associates on November 27,
2012.

The cost of telephone, cable, communications and
trash removal will be the responsibility of the City.
All other utility costs, fees and charges are included
in the rent.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-100

Ordinance No. 2013-174
(Int. No. 192)

**Authorizing A Lease Agreement For The
Northwest Neighborhood Service Center**

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

Section 1. The Corporation Counsel is hereby
authorized to enter into an agreement with the
Charles Settlement House for the lease of office
space at 71 Parkway for the Northwest Neighbor-
hood Service Center. The agreement may extend
for a term of three years, with three one-year re-
newal options.

Section 2. The lease agreement shall obligate
the City to pay \$30,000 annually in rent. Rent
payments during the renewal periods shall be
\$32,700 for the first renewal year, \$33,681 for the
second, and \$34,691 for the third. The City shall
be responsible for the cost of telephone, cable,

communications and trash removal. The landlord
shall be responsible for all other utility costs, fees
and charges. Said amounts shall be funded from
the 2013-14 and subsequent budgets of the De-
partment of Neighborhood and Business Develop-
ment, contingent upon approval of subsequent
budgets.

Section 3. The lease agreement shall contain
such additional terms and conditions as the Corpo-
ration Counsel deems to be appropriate.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-175
Re: Lease Agreement - Stern Properties,
Southeast Neighborhood Service Center

Transmitted herewith for your approval is legisla-
tion authorizing a five-year lease agreement with
Stern Properties for the lease of approximately
3,200 square feet of space at 320 North Goodman
Street (Village Gate). The cost of this agreement
will be financed from the 2013-14 and subsequent
annual Budgets of the Department of Neighbor-
hood and Business Development, contingent upon
their approval.

This office space will accommodate the functions
of the Southeast Neighborhood Service Center (SE-
NSC). The SE-NSC office has been located at 846
South Clinton Avenue since 1998 but is being
relocated to be more strategically located within the
quadrant to provide enhanced customer service and
community engagement opportunities.

The City will be responsible for a monthly payment
of \$2,272 (\$27,264 per year) which will cover
approximately \$102,000 in build-out costs, taxes,
and common area maintenance charges. The City
will be responsible for utilities, information tech-
nology, telephones, security, furniture, and janitori-
al services.

The City-owned property currently occupied by the
SE-NSC at 846 South Clinton Avenue, will be
marketed for sale in the fall of 2013. The most
recent appraisal on the property for \$215,000 was
prepared by Bruckner, Tillet, Rossi, Cahill & Asso-
ciates in October 2011.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-101

Ordinance No. 2013-175
(Int. No. 193, As Amended)

**Authorizing A Lease Agreement For The
Southeast Neighborhood Service Center**

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

Section 1. The Corporation Counsel is hereby authorized to enter into an agreement with Stern Properties for the lease of office space at 320 North Goodman Street for the Southeast Neighborhood Service Center. The agreement may extend for a term of five years.

Section 2. The lease agreement shall obligate the City to pay ~~\$2,272~~ 2,437 monthly in rent. The City shall be responsible for utilities, Information Technology (IT), telephones, security, furniture, and janitorial services. The landlord shall be responsible for the build-out costs, taxes and common-area maintenance charges. Said amounts shall be funded from the 2013-14 and subsequent budgets of the Department of Neighborhood and Business Development, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-176
Re: Lease Agreement - Rochester Colonial Manufacturing Corporation, West Side Police Precinct

Transmitted herewith for your approval is legislation authorizing a lease agreement with Rochester Colonial Manufacturing Corporation for the lease of approximately 17,590 square feet of office space in Water Tower Park, 1099 Jay Street, for use by the Rochester Police Department. The term of the lease will be for five years, with the option for three one-year renewals. The cost of this agreement will be financed from the annual Budgets of the Police Department, beginning with 2013-14, contingent upon approval.

The RPD West Side Precinct has occupied this space for the past nine years, as per Ordinance No. 2004-119.

The new lease will have an annual cost of \$8.50 and \$9.00 per square foot for the first and second years, respectively. Adjustments for subsequent years will be made based on the Consumer Price Index. In addition to the base rent, the cost of \$250,000 in improvements will be amortized over the five-year term of the agreement at a rate of 5%. This will result in estimated annual payments as follows:

Year 1	\$199,515
Year 2	\$218,310
Year 3	\$229,328
Year 4	\$237,846
Year 5	\$243,864

The cost of gas, electricity, telephone, cable, communications, and trash removal will be the responsibility of the City. All other utility costs, fees and charges are included in the rent.

The rental amount was established through an independent appraisal prepared by Bruckner, Tillet, Rossi, Cahill & Associates on April 25, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-102

Ordinance No. 2013-176
(Int. no. 194)

Authorizing A Lease Agreement For The West Side Police Precinct

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

Section 1. The Corporation Counsel is hereby authorized to enter into an agreement with Rochester Colonial Manufacturing Association for the lease of office space at Water Tower Park, 1099 Jay Street, for the West Side Police Precinct of the Rochester Police Department. The agreement shall extend for a term of five years, with three one-year renewal options.

Section 2. The lease agreement shall obligate the City to pay \$149,515 for the first year and \$158,310 for the second year in base rent. Thereafter, changes may be made in the annual rent to reflect changes in the Consumer Price Index. In addition, the City shall be liable for the cost of renovations in an amount not to exceed \$50,000 for the first year, which amount shall increase by 5% in each succeeding year of the original term. The City shall be responsible for the cost of gas and electric, telephone, cable, communications and trash removal. The landlord shall be responsible for all other utility costs, fees and charges. Said amounts shall be funded from the 2013-14 and subsequent budgets of the Rochester Police Department, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-177,
Ordinance No. 2013-178 and
Ordinance No. 2013-179

Re: Amendments - Housing Projects and
Programs

Transmitted herewith for your approval is legisla-
tion authorizing an amendatory agreement with the
Greater Rochester Housing Partnership, and
amending Ordinances No. 2012-288 and 2012-293,
as described below.

Marketview Homeownership Project - Greater
Rochester Housing Partnership

The amendment to the agreement with the Greater
Rochester Housing Partnership will provide
\$70,000 in additional funds for the construction of
an affordable home at 97 Woodward Street in the
Marketview Heights Focused Investment Strategy
Area. The cost will be funded from 2012-13 Cash
Capital (FIS).

GRHP received funding directly from New York
State for an affordable housing project in the Mar-
ketview Heights FIS Area. Those funds provided
for the purchase of four City-owned vacant lots for
the construction of single-family homes (Ord. Nos.
2011- 21 and 2011-242). The City subsequently
provided \$20,000 (Ord. No. 2012-10) for enhance-
ments to 179 N. Union Street, as it is prominently
located on a gateway street in the FIS area. To
date, that home and three on Weld Street have been
completed. Also, as part of this project, the GRHP
rehabilitated 131 Woodward Street which was sold
to an owner-occupant.

GRHP has State funds remaining and has proposed
constructing an additional house contingent on the
City's ability to provide the \$70,000 needed. New
York State has endorsed this proposal provided
construction can begin in July 2013. The sale of
the lot at 97 Woodward Street for this purpose is
included in this month's Sale of Real Estate sub-
mission.

City funding will allow for full use of State funds
by GRHP, and provide another home ownership
opportunity for an income eligible family (i.e.,
household income up to 90% of area median in-
come). This will bring the City's contribution to
the construction of five new homes to \$90,000.

The project is expected to be completed this con-
struction season.

Ordinance No. 2012-288 - Lead Hazard Control
Program

This ordinance authorized a total of \$140,000 for
agreements with four consultants to provide lead
hazard evaluation services. Each firm was to pro-
vide approximately 60 evaluations, however one of
the consultants was unable to enter into an agree-
ment with the City. To absorb the consequent work
load, this amendment will increase compensation
for the three remaining vendors (Environmental
Testing & Consulting, NeighborWorks Rochester,
and Lew Corporation) by \$15,000, for a total of
\$45,000 each, and extend the terms for six months.

Ordinance No. 2012-293 - Targeted Housing Im-
provement Programs

This ordinance authorized a total of \$400,000 for
financial assistance to eligible owners of 1-4 unit
residential properties to complete renovations to
improve curb appeal and bring properties into code
compliance. Subject properties are located in the
El Camino and Holy Rosary project areas. The
ordinance also provided \$50,000 to Habitat for
Humanity for rehabilitation of owner-occupied
homes.

This amendment will correct the funding sources as
follows (there is no change to the total amount
appropriated):

1. Reduce the appropriation of \$400,000 to
\$280,078 from the Housing Development
Fund allocation, Community Housing Devel-
opment Organization Account, of the 2012-13
HOME Program.
2. Increase the appropriation from \$50,000 to
\$169,922 from the Housing Development
Fund allocation, Affordable Housing Ac-
count, of the 2012-13 HOME Program.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-177
(Int. No. 195)

**Authorizing An Amendatory Agreement For
The Marketview Heights Homeownership
Project**

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

Section 1. The Mayor is hereby authorized to
enter into an amendatory agreement with the Great-
er Rochester Housing Partnership (GRHP) to pro-
vide funding for additional housing as a part of the
Marketview Heights Homeownership Project.

Section 2. The amendatory agreement shall
obligate the City to pay an amount not to exceed
\$70,000, and said amount, or so much thereof as
may be necessary, shall be funded from the 2012-
13 Cash Capital allocation.

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

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

Passed unanimously.

Ordinance No. 2013-178
(Int. No. 196)

**Amending Ordinance No. 2012-288 Relating
To The Lead Hazard Control Grant Program**

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. Ordinance No. 2012-288, relating to Lead Hazard Control Grant Program, is hereby amended by increasing the maximum amount of the agreements in Section 5 thereof with Environmental Testing & Consulting, Inc., Lew Corporation and NeighborWorks Rochester for lead hazard evaluation services from \$35,000 to \$45,000 and by approving an extension of said agreements for additional terms of six months. The agreements shall be funded from the appropriation made in Section 2 of said ordinance. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-179
(Int. No. 197)

Amending Ordinance No. 2012-293 Relating To Targeted Housing Improvement Programs

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

Section 1. Section 2 of Ordinance No. 2012-293, relating to agreements for affordable housing projects, is hereby amended by reducing the amount appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Community Housing Development Organization Account) of the 2012-13 HOME Program from \$400,000 to \$280,078, and by increasing the amount appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Account) of the 2012-13 HOME Program from \$50,000 to \$169,922. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-180
Re: 2013-14 Consolidated Community
Development Plan - Business Programs

Transmitted herewith for your approval is legisla-

tion related to the City of Rochester's Business Programs as described in the Consolidated Community Development Plan (Con Plan). This legislation will:

- 1. Appropriate a total of the estimated \$1,390,000 from the Economic Stability allocation of the 2013-14 Con Plan to fund the following business programs:

ED Financial Assistance Loan & Grant Programs	\$ 750,000
Targeted Façade Improvement Program	200,000
Neighborhood Commercial Assistance Programs	440,000
	<u>\$1,390,000</u>

- 2. Authorize agreements necessary to implement the programs.

In separate legislation regarding the approval of the Con Plan, an additional \$115,000 in City Development Funds is appropriated for the Development Fund for Economic Development Financial Assistance Loans and Grants.

The City has not received its allocation amounts for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-103

Ordinance No. 2013-180
(Int. No. 212)

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 Promoting Economic Stability Objective of the Community Development Block Grant the sum of \$1,390,000, or so much thereof as may be available and necessary, to fund the following programs:

<u>Account/Program</u>	<u>Year</u>	<u>Amount</u>
ED Financial Assistance Loan & Grant Programs	2013-14	\$750,000
Targeted Façade Improvement Program	2013-14	200,000
Neighborhood Commercial Assistance Programs	2013-14	440,000

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

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 213.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-181
Re: 2013-14 Consolidated Community
Development Plan - Home Rochester
Program

Transmitted herewith for your approval is legislation relating to implementation of the 2013-14 Home Rochester Program as described in the 2013-14 Consolidated Community Development Action Plan (Con Plan). This legislation will:

- 1. Appropriate funds from the 2013-14 Con Plan as follows:

<u>Amount</u>	<u>Source</u>	<u>Purpose</u>
\$186,000	Housing Development Fund: Housing Development Support (CDBG)	Program Operation
\$266,070	Housing Development Fund: CHDO (HOME funds)	Development subsidies - incomes up to 80% of AMI
\$240,000	Homeownership Promotion Fund: Home Rochester (HOME funds)	Development subsidies - incomes up to 80% of AMI

- 2. Establish \$186,000 as maximum compensation for an agreement with Rochester Housing Development Fund Corporation (RHDFC) for operation of the Home Rochester program. The cost of the agreement will be financed from the CDBG funds appropriated herein.
- 3. Authorize agreements with certain qualified Community Housing Development Organizations (CHDOs) for the distribution of devel-

opment subsidies totaling \$266,070 for families whose incomes are no more than 80% of Area Median Income. These subsidies will be financed from the HOME funds appropriated herein.

- 4. Authorize an amendatory agreement with RHDFC for the continued distribution of development subsidies for families whose incomes are no more than 80% of Area Median Income. The original agreement, authorized via 2012-289, expires June 30, 2014. This amendment will extend the term for one year and increase compensation by the \$240,000 of 2013-14 HOME funds appropriated herein.
- 5. Authorize an agreement with RHDFC for the distribution of development subsidies totaling \$300,000 for families whose incomes are up to 120% of the Area Median Income. These subsidies will be financed from prior years' Cash Capital.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households. RHDFC operates the Home Rochester program in partnership with the City, the Greater Rochester Housing Partnership, Inc. (GRHP), and neighborhood based non-profit developers. RHDFC buys vacant homes and oversees their renovation for sale to first time homebuyers. Since its inception in 2001, 617 properties have been rehabbed and sold to first time homebuyers.

The total of \$806,070 proposed for development subsidies will provide an average of \$40,000 each for the acquisition and rehabilitation of approximately 20 vacant structures. Participating developers include the Urban League of Rochester Economic Development Corporation (ULREDC), PathStone, and qualified CHDOs, which currently include the following seven organizations:

- Marketview Heights Association
- NCS Community Development Corporation
- North East Area Development (NEAD) Group 14621
- Isla Housing and Development Corporation
- South Wedge Planning Committee (SWPC)
- Ibero-American Development Corporation

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.

The rehabilitated properties will be marketed to families with incomes not exceeding 120% of area median income (AMI). All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of 10 years.

These programs support the Housing Development Fund objective of the City Housing Policy.

The City has not received its allocation amounts for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not

available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly. The term of the agreements authorized herein will be for two years.

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-181
(Int. No. 213, As Amended)

Authorizing Agreements And Appropriating Funds For The Home Rochester Program And Amending Ordinance No. 2013-93

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for the operation of the Home Rochester Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said amount, or so much thereof as may be available and necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Housing Development Support Account) of the 2013-14 Community Development Block Grant. The agreement shall extend for two years.

Section 3. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Home Rochester Account) of the 2013-14 HOME Program the sum of \$266,070, or so much thereof as may be available and necessary, to fund housing development subsidies through the Home Rochester Program.

Section 4. The sum of \$240,000, or so much as may be available and necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion Fund allocation (Home Rochester Account) of the 2013-14 HOME Program to fund housing development subsidies through the Home Rochester Program. Said amount shall fund an amendatory agreement with the Rochester Housing Development Fund Corporation, which shall extend the current agreement for an additional year.

Section 5. The sum of \$300,000, or so much as may be necessary, shall be funded from the Cash Capital allocation from prior years to fund housing development subsidies.

Section 6. The Mayor is hereby authorized to enter into such agreements as may be necessary with the Rochester Housing Development Fund Corporation and designated Community Housing Development Organizations (CHDOs) and non-

profit developers to administer housing development subsidies for the Home Rochester Program. The agreements shall extend for two years.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 8. Ordinance No. 2013-93, relating to an amendatory agreement for the Home Rochester Program, is hereby amended by changing the source of funding in Section 2 from the 2011-12 Cash Capital allocation to the 2012-13 Cash Capital allocation.

Section 9. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-182
Re: 2013-14 Consolidated Community Development Plan/CDBG, Landlord/Tenant Services

Transmitted herewith for your approval is legislation related to the 2013-14 Landlord/Tenant Services programs as described in the Consolidated Community Development Plan. This legislation will:

1. Appropriate the estimated \$175,000 from the Rental Market Fund of the 2013 -14 Con Plan for program implementation.
2. Establish maximum compensation for agreements with two agencies, as below, to provide services to tenants and landlords. The cost of the agreements will be financed from the appropriation herein.

<u>Organization</u>	<u>Amount</u>
Legal Aid Society of Rochester, New York, Inc.	\$149,000
The Housing Council in the Monroe County Area, Inc.	26,000
Total	<u>\$175,000</u>

The Legal Aid Society will serve as lead agency in partnership with Legal Assistance of Western New York and The Housing Council in the Monroe County Area, Inc. Services for both tenants and landlords include:

- Eviction prevention services for tenants to reestablish or attain stable housing situations.
- Training for landlords on operating rental property as a business, and compliance with fair and housing quality standards.

The Housing Council will provide training to tenants on their rights and responsibilities. Among the participants are those referred by the Monroe County Department of Human Services, and the City Neighborhood Service Centers.

The City has not received its allocation amounts for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly. Agreement terms will be for one year, with the option to extend for an additional year if funds remain in the original appropriation.

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

This legislation supports *Section 3: Support Efforts to Strengthen the Rental Market* of the City Housing Policy. Service descriptions are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-104

Ordinance No. 2013-182
(Int. No. 214)

Approving Consolidated Plan Rental Market Fund Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for Rental Market Fund Programs:

Legal Aid Society of Rochester, NY, Inc.	\$149,000
The Housing Council in the Monroe County Area, Inc.	26,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$175,000, and of said amount, or so much thereof as may be available and necessary, \$149,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Landlord Tenant Services Account) of the 2013-14 Community Development Block Grant and \$26,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Tenant Education Account) of the 2013-14 Community Development Block Grant. The agreements shall extend for one year, with an op-

tion to extend for an additional year if funds remain in the original appropriation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Palumbo abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-183
Re: 2013-14 Consolidated Community
Development Plan - Housing
Opportunities for Persons with AIDS

Transmitted herewith for your approval is legislation related to the 2013-14 Housing Opportunities for Persons with AIDS (HOPWA) program as described in the 2013-14 Consolidated Community Development Plan (Con Plan). This legislation will:

1. Appropriate a total of the estimated \$637,290 from the 2013-14 Housing Choice Fund, Housing Opportunities for Persons with Aids account, of the Consolidated Community Development Plan for program implementation.
2. Amend ordinances to recover a total not to exceed \$60,848 in unused balances from previous HOPWA appropriations and reappropriate those amounts for the Promote Housing Choice Fund of the related Con Plan. These amendments are summarized below:

Plan Year	Ordinance	Unused Amount
2008-09	2008-170	\$12,663
2008-09	2009-64	1
2009-10	2009-146	19,754
2010-11	2010-211	13,076
2010-11	2010-73	3,068
2011-12	2011-211	4,644
2011-12	2011-205	7,642
	Total	\$60,848

3. Establish maximum compensation for agreements with the agencies below for program implementation. The cost of these agreements will be financed from the funds appropriated herein.

AC Center, Inc. d/b/a AIDS Care	\$428,200
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	<u>269,938</u>
	\$698,138

4. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

HOPWA provides housing assistance and services to prevent homelessness for individuals with HIV/AIDS and related complications, and their families. Assistance includes both long-term (over 21 weeks) and short-term services and financial assistance in the form of payments of rent, and utilities. Both providers maximize HOPWA assistance through the coordination of other funding sources and service providers. The HOPWA grant from HUD is awarded to the City to serve Livingston, Monroe, Ontario, Orleans, and Wayne counties. AIDS Care provides service to the five-county area; Catholic Charities Community Services serves the City and Monroe County.

The two organizations are uniquely qualified for this special needs population. Both receive additional State and Federal HIV/AIDS-targeted funds, which provide for additional case management, housing placement, and other critical services. Both are active within the Rochester Area Task Force on AIDS that involves medical and support service providers. And, they have a long-standing and close working relationship with each other.

Services provided and projected, by number of households, are summarized below. The lower goals for 2013-14 reflect the drop in funding and increased expenses for this year.

<u>Agency</u>	2012-13 <u>Goal</u>	2012-13 <u>Actual</u>	2013-14 <u>Goal</u>
AIDS Care: Rental assistance, support services	125	127	120
Catholic Charities: Rental assistance, support services	<u>75</u>	<u>77</u>	<u>70</u>
Totals	200	204	190

The City has not received its allocation amounts for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted. The agreement terms will be for one year, with option to extend for an additional year if funds remain in the original appropriation.

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

HOPWA related legislation was last authorized in May 22, 2012 (Ordinance No. 2012-188). This legislation supports *Section 4: Promote Housing*

Choice of the City Housing Policy.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-183
(Int. No. 215)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinances

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons with AIDS (HOPWA) Program:

<u>Organization</u>	<u>Amount</u>
AC Center, Inc. d/b/a AIDS Care	\$428,200
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	269,938

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$698,138, and of said amount, or so much thereof as may be available and necessary, \$637,290 is hereby appropriated from the Promote Housing Choice Fund's 2013-14 Housing Opportunities for Persons With AIDS grant and \$60,848 is appropriated or reappropriated from the amounts reduced in Section 4. The agreements shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. The following ordinances, relating to the Consolidated Community Development Plan and the Housing Opportunities for Persons With AIDS Program, are hereby amended by reducing the amounts authorized for administration and authorized and appropriated for agreements by the sum of \$60,848, which amount is appropriated or reappropriated herein. The Director of Finance shall reduce the amounts for specific agreements based on the unexpended funds for each organization and shall have the authority to make adjustments to the amounts set forth herein if the amounts have changed prior to the adoption of this ordinance.

<u>Year</u>	<u>Ordinance Number</u>	<u>Administrative Funds</u>	<u>Unexpended Agreement Balances</u>
2008-09	2008-170	\$12,663	
2008-09	2009-64		\$ 1
2009-10	2009-146	19,754	
2010-11	2010-211	13,076	

2010-11	2010-73		3,068
2011-12	2011-211	4,644	
2011-12	2011-205		7,642
Subtotal		\$50,137	\$10,711
Total			\$60,848

Thomas S. Richards
Mayor

Attachment No. AM-105

Ordinance No. 2013-184
(Int. No. 216)

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because of familial relationship

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-184
Re: 2013-14 Consolidated Community
Development Plan - Homebuyer
Assistance Program

Transmitted herewith for your approval is legislation appropriating \$240,000 from the Buyer Assistance account of the Homeownership Promotion Fund (HOME fund) of the 2013-14 Consolidated Community Development Plan for the Homebuyer Assistance Program. This legislation will also authorize agreements with the recipients of such assistance.

The Program provides financial assistance of up to \$6,000 to first time homebuyers with low or moderate incomes (household incomes do not exceed 80% Median Family Income for the Metropolitan Statistical Area-MFI) who purchase houses through the City's Housing Initiatives as described in the Consolidated Community Development Plan. The financial assistance provided by the Homebuyer Assistance Program is for closing costs and down payment.

Buyer eligibility is based on income (up to 80% MFI), ability to qualify for a conventional mortgage loan for which payments will not exceed 30% of the gross monthly income, and payment of personal funds in the amount of \$1,500 towards the purchase of the home. Each buyer must complete a pre-purchase education class before closing and attend post-purchase classes as well. The 2012-13 allocation has served 160 first time homebuyers through May 13, 2013.

The City has not received its allocation amounts for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

Respectfully submitted,

Approving The Homebuyer Assistance Program

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

Section 1. The sum of \$240,000, or so much as may be available and necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion Fund allocation (Buyer Assistance Account) of the 2013-14 HOME Program to fund the Homebuyer Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program. The agreements shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation.

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. 2013-185
Re: 2013-14 Consolidated Community
Development Plan, Foreclosure Prevention

Transmitted herewith for your approval is legislation related to foreclosure prevention activities as described in the 2013-14 Consolidated Community Development Plan (Con Plan). This legislation will:

1. Appropriate a total of the estimated \$375,000 from the 2013-14 Homeownership Promotion Fund (CDBG) of the Con Plan for implementation of foreclosure prevention services.
2. Establish maximum compensation for agreements with two agencies to provide foreclosure prevention services. The cost of these agreements will be financed from the funds appropriated herein.

<u>Agency</u>	<u>Amount</u>
The Housing Council in the Monroe County Area, Inc.	\$335,000
Empire Justice Center	<u>40,000</u>
	\$375,000

These two organizations are uniquely qualified. The Housing Council in the Monroe County Area, Inc. is a HUD-approved Housing Counseling Agency with the capacity to handle a large volume of cases. The Housing Council's services include review of households' financial circumstances, and negotiation with lenders to resolve mortgage arrears. The Empire Justice Center is a leader in developing statewide standards for legal service for foreclosure prevention. The Empire Justice Center will provide legal advice and litigation services when required by analysis of clients' circumstances.

This legislation supports the Promote Home Ownership component of the City Housing Policy.

The City has not received its allocation amounts for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly. Agreement terms will be for one year, with an option to extend for an additional year if funds remain in the original appropriation.

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-106

Ordinance No. 2013-185
 (Int. No. 217)

Approving Consolidated Plan Homeownership Promotion Fund Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for Homeownership Promotion Fund Programs:

The Housing Council in the Monroe County Area, Inc.	\$335,000
Empire Justice Center	40,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$375,000, and said amount, or so much thereof as may be available and necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Foreclosure Prevention Account) of the 2013-14 Community Development Block Grant. The agreements shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-186
 Re: Amendatory Agreement - Hardy Properties,
 Inc., Hardy Park Apartments

Transmitted herewith for your approval is legislation amending Ordinance No. 2011-353, as subsequently amended by Ordinance 2012-201, to increase the amount of the deferred payment loan to Hardy Properties, Inc. from \$350,000 to \$650,000 to be used toward construction. The additional \$300,000 will be financed from 2012-13 Cash Capital (FIS). All other terms and conditions will remain as originally authorized, as summarized below:

<u>Ord. 2011-353</u>	<u>Amount</u>		<u>Source</u>	<u>Purpose</u>	<u>Terms</u>
	<u>Revised</u>	<u>Total</u>			
\$235,000	\$60,000 Ord. 2012-201	\$295,000	City Dev't. Fund	Permanent Financing	20 yrs / 3% interest

\$250,000		\$250,000	Cash Capital	Construction & Perm. Financing	<ul style="list-style-type: none"> • 20 yrs / 30 yr amortization 3% int. • Yr 1-20 int. only pay't. • Yr 11-20 amortized pay't. • Yr 20 \$222,266 pay't. due
\$350,000	\$300,000 Proposed herein	\$650,000	Cash Capital	Construction & Perm. Financing	<ul style="list-style-type: none"> • 20 yrs / deferred pay't. • 5% forgiven annually • Bal. due upon sale of property
		<u>\$1,195,000</u>			

These loans were authorized for the completion of renovation to the 10-unit residential structure at 191-209 Jefferson Avenue. Costs were estimated based on preliminary plans submitted by the developer's architect. After the project was approved for funding, the work scope for the project expanded significantly as specifications were developed. Additional work required for compliance with building and fire codes was identified, including two accessible units with exterior ramps and interior requirements; the need to modify, demolish or replace previous construction work; and replacement of entrance stairs and sidewalks.

Two rounds of bidding resulted in bids exceeding the available budgeted resources. The additional funds are needed to complete the project, including construction contingency. The updated budget is summarized below:

<u>Use of City Funds:</u>	Refinance of existing loans	\$ 199,120
	Soft costs - construction	40,000
	Hard costs - construction	791,000
	Contingency funds	79,000
	Carrying costs - property taxes	66,000
	Legal	14,000
	Closing costs & recording	<u>5,880</u>
	Total	\$1,195,000

Any funds not needed toward associated costs would be used to reduce the principal balance of the loan.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-186
(Int. No. 228)

Amending Ordinance No. 2011-353, Relating To Loan Agreements For The Hardy Park Apartments Project

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

Section 1. Ordinance No. 2011-353, as amended by Ordinance No. 2012-201, relating to loan agreements with Hardy Properties, Inc. to finance the construction and reconstruction of housing units as a part of the Hardy Park Apartments Project at 191-209 Jefferson Avenue, is hereby further amended by increasing the amount of the \$350,000 second Cash Capital loan by \$300,000, to an amount not to exceed \$650,000, which loan shall have a deferred payment for 20 years, with 5% forgiven annually. Said additional amount shall be funded from the 2012-13 Cash Capital allocation. The balance of the loan shall be payable if the property is sold during the term of the loan. All other terms and conditions shall remain the same as originally authorized.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2013-187
Re: Rescinding Ordinance 2013-123 and
Amending Ordinance No. 2011-322,
Emergency Assistance Repair Program

Transmitted herewith for your approval is legislation related to the Emergency Assistance Repair Program (EARP). This legislation will:

1. Rescind Ordinance 2013-123 which had amended Ordinance No. 2011-322 to shift funds for administration of EARP by the City.
2. Amend Ordinance No. 2011-322 which authorized agreements for the EARP, Joint Energy Conservation Program, and Aging in Place Home Modification Program, for a total of \$510,000. This amendment will rescind authorization of the agreements for EARP and reauthorize use of those funds by the City and through future Council authorization.

As you are aware, the City is in the process of determining an improved model for delivery of EARP services. In the meantime, projects that have already been identified for emergency repairs need to be addressed. Ordinance No. 2013-123 was intended to provide the funding needed to accomplish that. However, the parameters of the City's financial system (MUNIS) will not accommodate the changes as put forward in that legislation. Therefore, that legislation will be rescinded.

The total of \$510,000 recovered through this action will allow the current projects to be administered by the City at a cost of \$216,000. The balance of \$294,000 will be held pending implementation of a new service delivery program and its approval by City Council.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-187
(Int. No. 230)

Amending Ordinance No. 2011-322 Relating To Home Repair Programs And Rescinding Ordinance No. 2013-123

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

Section 1. Ordinance No. 2011-322, authorizing agreements to implement the Emergency Assistance Repair Program (EARP), Joint Energy Conservation Program and Aging in Place Home Modification Program, is hereby amended by rescinding the authorization for all five of the agreements for the EARP Program in the total amount of \$510,000, which amount shall remain appropriated for this purpose. The sum of \$216,000 of this amount, or so much thereof as may be necessary, is authorized to fund emergency repairs through City operation, and \$294,000 shall be subject to future authorization by City Council.

Section 2. Ordinance No. 2013-123, which amended Ordinance No. 2011-322, is hereby rescinded.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-188,
Ordinance No. 2013-189,
Ordinance No. 2013-190 and
Ordinance No. 2013-191

Re: Consolidated Community Development
2013-14 Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development 2013-14 Annual Action Plan. The legislation will:

1. Approve the 2013-14 Annual Action Plan and authorize its submission to the U.S. Department of Housing and Urban Development (HUD).
2. Authorize agreements with HUD for the receipt and use of grants to fund the Plan.
3. Appropriate \$200,000 in Urban Development Action Grant principal and interest repayments projected to be received during the 2013-14 program year for the City Development Fund.
4. Amend past years' Plans to reprogram a total of \$4,309 to the Housing Development Fund Account of the Improving the Housing Stock and General Property Conditions, and \$1,166,000 to the Midtown Redevelopment Open Space Account of the General Community Needs allocation, as summarized below:

<u>Plan Year</u>	<u>Account Transferred From</u>	<u>Amount</u>
2009-10	Borinquen Dance/General Community Needs Housing Development	\$2,456.35
2009-10	Creative Entrepreneurs/General Community Needs Housing Development	\$697.81
2010-11	Borinquen Dance/General Community Needs Housing Development	\$1,154.84
2010-11	PAETEC Headquarters Project/ Promoting Economic Stability Midtown Redevelopment Open Space	\$1,166,000.00

5. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

As required by HUD, the Consolidated Community Development Plan consists of a multi-year strategic plan and annual action plans which address planning and application requirements for the HUD formula grant programs, which are:

- CDBG: Community Development Block Grant
- HOME: HOME Investment Partnerships
- ESG: Emergency Solutions Grant Program
- HOPWA: Housing Opportunities for Persons with AIDS

The annual action plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs. Community input was solicited at a public hearing held on April 9, 2013.

The estimated total of funds available for 2013-14 is \$13,088,231 from the following sources:

CDBG	\$ 7,447,133
HOME	1,773,800
Emergency Solutions Grant	717,200
HOPWA	657,000
City Development Fund	200,000
CDBG Program Income	1,100,000
HOME Program Income	20,000
Reallocation of Prior Year	
CDBG Funds	1,170,309
Reallocation of 2012-13	
HOME Funds	<u>2,789</u>
Total	<u>\$13,088,231</u>

The CDBG funds have been allocated to the following objectives:

<u>Objective</u>	<u>Percent Amount</u>	<u>Of Total</u>
Promote Economic Stability	\$1,390,000	14%
Improve the Housing Stock	6,087,837	63%
Respond to General Community Needs	1,705,400	18%
Other	<u>534,205</u>	<u>5%</u>
Total	<u>\$9,717,442</u>	<u>100%</u>

Significant allocation highlights include:

- \$865,000 Economic Development Financial Assistance Loan and Grant Program
- \$200,000 Targeted Façade Improvement Program
- \$2,349,824 Housing Development Fund
- \$900,000 Homeownership Fund
- \$128,000 Job Creation and Youth Development

- \$1,749,427 Focused Investment Strategy areas

The City has not yet received its allocations for 2013-14. Planning was done anticipating a 5% reduction from 2012-13. If funds are different, not available, or are less than anticipated, the amounts will be adjusted.

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26 (adopted May 24, 1983).

A public hearing on the Consolidated Community Development Plan 2013-14 Annual Action Plan, and the reprogramming of funds is required.

Legislation regarding various programs supported by these HUD formula grants has been submitted separately for your review this month.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-188
(Int. No. 208)

Approving The Consolidated Community Development Plan/2013-14 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2013-14 Annual Action Plan to be financed with \$13,088,231 available to the City of Rochester from the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grant Program, Housing Opportunities for Persons with AIDS Program and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the City's Community Development Program has been recognized for best practices, receiving the U.S. Department of Housing and Urban Development - Buffalo Office Meritorious Award in 2006, eight John J. Gunther Blue Ribbon Best Practices in Community Development from the U.S. Department of Housing and Urban Development in 1998 and a U.S. Department of Housing and Urban Development Secretary's Award for National Excellence in 1986; and

WHEREAS, the proposed plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, notice of the proposed plan was published in the legal section of the Democrat and Chronicle on May 15, 2013; and

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by June 18, 2013; 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/2013-14 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/2013-14 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. 2013-189
(Int. No. 209)

Authorizing Submission Of The Consolidated Community Development Plan/2013-14 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/2013-14 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, 2013.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-190
(Int. No. 210)

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/2013-14 Annual Action Plan, the Council hereby appropriates the sum of \$200,000 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. 2013-191
(Int. No. 211)

Authorizing Amendatory 2009-10 And 2010-11 Community Development Program Plans

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

Section 1. The Council hereby approves amendments to the 2009-10 and 2010-11 Community Development Program Plans whereby a total of \$4,309 will be transferred from the following accounts to the Improving the Housing Stock and General Property Conditions Objectives, Housing Development allocations:

<u>Account</u>	<u>Ordinance No.</u>
<u>CDBG Year</u>	<u>Amount</u>
Borinquen Dance	2009-439
2009-10	\$2,456.35
Creative Entrepreneurs	2012-123
2009-10	697.81
Borinquen Dance	2010-443
2010-11	<u>1,154.84</u>
Total	\$4,309.00

Section 2. The Council hereby further approves an amendment to the 2010-11 Community Development Program Plan whereby a total of \$1,166,000 will be transferred from the Promoting Economic Stability Objective, ED Financial Assistance Loan & Grant - PAETEC Headquarters Project Account, as approved in Ordinance No. 2011-32, to the General Community Needs Objective, Midtown Redevelopment Open Space Account.

Section 3. The ordinances set forth in Section 1 and Section 2 are hereby amended by reducing the amounts authorized and appropriated therein as set forth.

Section 4. 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 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - 0.

Councilmember Ortiz abstained because of a professional relationship.

By Councilmember Scott
June 18, 2013

To the Council:

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

Int. No. 198 - Establishing Maximum Compensation For A Professional Services Agreement For The Thurston Road Revitalization Project

Int. No. 199 - Authorizing An Agreement With The United States Marshals Service For The Fueling And Maintenance Of Vehicles

Int. No. 200 - Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

Int. No. 201 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$85,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of 540 Jefferson Avenue In The City

Int. No. 202 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The Rochester Fire Academy Site In The City

Int. No. 224 - Authorizing The Acquisition By Negotiation Or Condemnation Of A De Minimis Parcel For The Melville Street Group Improvements Project

Int. No. 225 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,411,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Melville Street Group Improvements Project

Int. No. 226 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Melville Street Group Improvements Project

Int. No. 227 - Establishing Maximum Compensation For A Professional Services Agreement For The Melville Street Group Improvements Project

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

Int. No. 203 - Establishing The Pavement Width Of The New Street Between East Drive And Mt. Hope Avenue As Part Of The College Town Development Project

Int. No. 204 - Approving Changes In The Pavement Width Of Crittenden Boulevard As Part Of The College Town Development Project

Int. No. 205 - Approving An Increase In The Pavement Width Of Elmwood Avenue As Part Of The College Town Development Project

Int. No. 218 - Extending A Moratorium On Permits, Certificates Of Zoning Compliance And Variances For Exploration And Extraction Of Natural Gas Within The City

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-192
Re: Agreement - Erdman Anthony, Thurston Road Revitalization Project

Transmitted herewith for your approval is legislation establishing \$220,000 as maximum compensation for an agreement with Erdman Anthony for design services for the Thurston Road Revitalization Project. The cost of the agreement will be financed from bonds previously authorized for this purpose (Ordinance No. 2012-447) as part of the Capital Project Acceleration Initiative.

The project includes the design and construction of streetscape treatments for Thurston Road (Brooks Avenue to Ravenwood Avenue). The consultant will provide preliminary and final design, bid and award, and construction phase design services.

Erdman Anthony was selected through a request for proposal process described in the attached summary.

The project design will begin in summer 2013; it is anticipated that construction will begin in spring 2014 with scheduled completion in fall 2014. The design agreement will result in the creation/retention of the equivalent of 2.4 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-107

Ordinance No. 2013-192
(Int. No. 198)

Establishing Maximum Compensation For A Professional Services Agreement For The Thurston Road Revitalization Project

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

Section 1. The sum of \$220,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman Anthony for design services for the Thurston Road 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 Bond Ordinance No. 2012-447.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-193
Re: Inter-Municipal Agreement - U.S. Marshals Service, Fueling and Vehicle Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Marshals Service, Western District of New York, for the City's provision of vehicle fueling and maintenance services. This agreement will have an initial term of three years, with an option of up to two additional one-year terms if both parties agree.

The District U.S. Marshal's fleet includes twelve vehicles currently; it is expected that they will use approximately 1,200 gallons of fuel per month. The City will charge its standard markup rate of \$0.15 per gallon over cost to cover administrative expenses associated with tracking the fuel sales. For vehicle maintenance services, the U.S. Marshal will be charged the City's current labor rate and parts markup in effect for the current fiscal year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-193
(Int. No. 199)

Authorizing An Agreement With The United States Marshals Service For The Fueling And Maintenance Of Vehicles

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Marshals Service for the fueling and maintenance of its vehicles at the City Operations Center at 945 Mt. Read Boulevard. The agreement may extend for a term of three years, with two one-year renew-

al options. The agreement shall obligate the Marshals Service to reimburse the City for the actual cost of the fuel and pay an administrative and service charge of \$.15 per gallon. For maintenance services, the Marshals Service shall pay the City in accordance with a schedule approved by the Commissioner of Environmental Services.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-194
Re: Agreement - Rochester-Genesee Regional Transportation Authority (RGRTA), Vehicle Fueling

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester-Genesee Regional Transportation Authority for the refueling of City vehicles at the RGRTA facility at 1372 East Main Street. The term of this agreement will be one year.

Under the terms of this proposed agreement, RGRTA will provide both unleaded and diesel fuel to City vehicles. These vehicles are primarily assigned to the Rochester Police Department and the Rochester Fire Department, and would allow for refueling on the east side of the City, thereby reducing the need to travel to the Central Vehicle Maintenance Facility as the sole fueling source.

RGRTA currently provides this service under an agreement authorized via Ordinance 2010-160. The City will continue to reimburse RGRTA for the actual cost of the fuel plus an administrative and service charge of \$0.195 per gallon.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-194
(Int. No. 200)

Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester-Genesee Regional Transportation Authority (RGRTA) for the fueling of City vehicles at the RGRTA Facility at 1372 East Main Street. The agreement may extend for a term of one year. The agreement shall obligate the City to reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.195 per

gallon. Funding shall be provided in the annual City Budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-195
Re: Bond Authorization, Environmental
Cleanup of 540 Jefferson Avenue

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$85,000 and the appropriation of the proceeds thereof to finance the cost of environmental investigation and remediation of City-owned property located at 540 Jefferson Avenue.

The site, approximately 0.278 acres, is vacant land at the southeast corner of Jefferson Avenue and Ruff Alley. It is zoned as Neighborhood Commercial (C-1) and was recently combined with 546 Jefferson Avenue which has been occupied by a service station and auto repair facility since the early 1930s. The City acquired 546 Jefferson Avenue via property tax foreclosure in April 2011.

In 2012, during the City's demolition of the site structures, three underground storage tanks were discovered. The City notified the New York State Department of Environmental Conservation (NYSDEC) of a potential petroleum release and a formal Spill Project File for the site was established.

It is anticipated that the initial cleanup activities will include removal and permanent closure of the three storage tanks; characterization and disposal of a maximum of 1,000 gallons of petroleum contaminated liquids from the tanks; and remediation of approximately 250 cubic yards of contaminated soil. The scope of this work will address the requirements of the NYSDEC for tank closures and is not intended to fully remediate petroleum contamination on site. Additional investigation will be required in order to fully characterize the nature and extent of contamination and its potential impacts to surrounding properties.

Proposals for this work were solicited from firms currently under term agreements with the City as per Ordinance No. 2012-147. Stantec was selected based on the quality of its proposal, understanding of the site, and proposed budget.

It is anticipated that the project will begin in July and be completed by December, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-108

Ordinance No. 2013-195
(Int. No. 201)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$85,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of 540 Jefferson Avenue In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental investigation, mitigation and remedial services for the City-owned parcel at 540 Jefferson Avenue in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$85,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$85,000 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 \$85,000 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 \$85,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on

said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-196
Re: Bond - Groundwater Remediation, 1190
Scottsville Road

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling

\$110,000 and the appropriation of the proceeds thereof to finance environmental engineering services related to regulatory compliance and system upgrades and repairs to the City's groundwater collection and treatment facility located at 1190 Scottsville Road.

The site is occupied by the Rochester Fire Academy, where the North and South Disposal and Training Grounds Areas (see attached photograph) were used for decades for on-site disposal of incinerated residues containing solvents, fuels, and PCBs, resulting in a designation by the New York State Department of Environmental Conservation (NYSDEC) as an inactive hazardous waste disposal site. Remedial investigations were performed by the City in the late 1980s to mid-1990s under an order of consent with the NYSDEC. In 1993 the NYSDEC issued a Record of Decision (ROD) that required the City to complete the excavation and treatment of contaminated soils, and the construction and operation of a groundwater collection and treatment system.

While overall site cleanup was completed in 1998, and the groundwater collection and treatment system began operations that year, the NYSDEC also established long-term controls which include ongoing inspection, operations, and monitoring. In December 2012, the NYSDEC required that the City prepare a comprehensive Periodic Review Report, to include certification that controls remain in place and the system is functioning as designed, and will address the ongoing remedial program.

An engineering evaluation was conducted recently following a series of system outages. Upgrades and improvements have been identified for the computerized control of the water treatment system and safeguards against tank overflows. These improvements will allow the City to comply with its consent order requirements and to prepare the Periodic Review Report.

As part of the Report, the City will need to certify that the requirements of the ROD, including the remedial systems and the institutional and engineering controls, are being maintained effectively. In addition, the review will need to evaluate the effectiveness of all remedial treatment units, identify future upgrades or modifications, evaluate subsurface conditions, and provide recommendations regarding future technology enhancements to the remedy and the site monitoring plan. Based on this evaluation, additional remedial enhancements may be recommended in the future in order to continue to comply with the ROD.

Proposals for these services will be solicited from environmental consultants currently under existing term agreements (Ordinance No. 2012-147).

It is anticipated that the project will begin in June 2013 and will be completed within one year.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-109

Ordinance No. 2013-196
(Int. No. 202)

**Bond Ordinance Of The City Of Rochester,
New York Authorizing The Issuance Of
\$110,000 Bonds Of Said City To Finance The
Cost Of Environmental Clean-Up Of The
Rochester Fire Academy Site In The City**

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of improvements to the City's environmental remediation facilities for the Rochester Fire Academy Inactive Hazardous Waste Disposal Site at 1190 Scottsville Road in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$110,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$110,000 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 \$110,000 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 \$110,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the

punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-197,
Ordinance No. 2013-198,
Ordinance No. 2013-199 and
Ordinance No. 2013-200

Re: Melville St. Group Improvements - Shafer Street, Berwyn Street & Melville Street

Transmitted herewith for your approval is legislation related to the Melville Street Group Improvements, which includes Shafer, Berwyn, and Melville Streets. This legislation will:

1. Authorize acquisition, by negotiation or condemnation, of a *de minimus* parcel (approximately 26 square feet) at 444 Webster Avenue to accommodate installation of an ADA accessible curb ramp.
2. Authorize the issuance of bonds totaling \$1,411,000, and the appropriation of the proceeds thereof, to partially finance street improvements of the Project.
3. Authorize the issuance of bonds totaling \$300,000, and the appropriation of the proceeds thereof, to finance the cost of the water improvements.
4. Establish \$185,000 as maximum compensation for a professional services agreement with Clark Paterson Lee, Rochester, NY, for resident project representation (RPR) services. The cost of the agreement will be funded from the proceeds of the bonds appropriated herein, as noted in the table below.

The Project, designed by the Department of Environmental Services, Bureau of Architecture and Engineering, includes installation of new curbs, driveway aprons, and catch basins; replacement of sidewalk as needed; reconstruction of the pavement on Shafer Street; rehabilitation of the pavement on Melville Street (Berwyn Street to Greeley Street); and topsoil and seed. New street lighting systems will also be installed on Berwyn Street and Melville Street (Berwyn Street to Culver Road).

The acquisition of the 444 Webster Avenue parcel will allow for the replacement of the existing sidewalk and curb ramp with a ramp that is in compliance with ADA regulations. The value of this property was established at \$100 by an independent appraisal performed by Bruckner, Tillett, Rossi, Cahill & Associates on April 9, 2013. The total acquisition costs, including closing costs, will not exceed \$600 and will be financed from prior years' Cash Capital.

Bids for construction were received on May 28, 2013. The apparent low bid of \$1,417,589 was submitted by Seneca Roadways, which is 18% less than the engineer's estimate. An additional \$248,411 will be allocated for right-of-way acquisitions, project contingencies and street lighting improvements.

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

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Total</u>
Street bond	\$1,174,069	\$153,000	\$ 83,931	\$1,411,000
Street cash	-	-	140,000	140,000
Water bond	243,520	32,000	24,480	300,000
	<u>\$1,417,589</u>	<u>\$185,000</u>	<u>\$248,411</u>	<u>\$1,851,000</u>

Public meetings were held on January 31, 2013 and February 7, 2013. Minutes of those meetings are available for review in the City Clerk's Office.

Clark Paterson Lee was selected through a Request for Proposal process, which is described in the attached summary.

Construction will begin in the summer 2013 with substantial completion in fall 2013. This project will result in the creation/retention of the equivalent of 20 full-time jobs.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-110

Ordinance No. 2013-197
 (Int. No. 224)

Authorizing The Acquisition By Negotiation Or Condemnation Of A De Minimis Parcel For The Melville Street Group Improvements Project

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

Section 1. The Council hereby approves the acquisition of the following de minimis parcel for street purposes as a part of the Melville Street Group Improvements Project in an amount not to exceed the following:

Address: 444 Webster Avenue
 Owner: Barbara/David Randolph
 SBL #: 107.450-4-15
 Sq. Ft.: 25.7+/-
 Value: \$100

Section 3. The acquisition shall obligate the City to pay an amount not to exceed \$100, and said amount, and necessary closing costs, shall be funded from the Cash Capital allocation from prior years.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-198
 (Int. No. 225)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,411,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Melville Street Group Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the reconstruction of certain streets as a part of the Melville Street Group Improvements Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,551,000. The plan of financing includes the issuance of \$1,411,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$140,000 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 \$1,411,000 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. 2013-199
(Int. No. 226)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Melville Street Group Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Melville Street Group Improvements 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 \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$300,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of

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. 2013-200
(Int. No. 227)

Establishing Maximum Compensation For A Professional Services Agreement For The Melville Street Group Improvements Project

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

Section 1. The sum of \$185,000, 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 Melville Street Group Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$153,000 shall be funded from a bond adopted for street purposes and \$32,000 shall be funded from a bond adopted for water purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-201,
Ordinance No. 2013-202 and
Ordinance No. 2013-203

Re: College Town Development Project

Transmitted herewith for your approval is legislation authorizing the establishment of pavement widths and changes in pavement widths required for the College Town Development Project as shown in the attached illustrations. Pavement widths and changes are as follows:

1. Establish a pavement width of 40 feet for a future right-of-way (currently identified as Celebration Drive) between East Drive (owned by the University of Rochester) to the west and Mt. Hope Avenue to the east except as noted below:
 - Within 40 feet east of East Drive, the pavement width will be 26 feet to improve pedestrian safety and define recessed parking areas;
 - Between 232 feet and 312 feet east of East Drive the pavement width will be 26 feet to improve pedestrian safety and define recessed parking areas; and,
 - Within 266 feet west of Mt. Hope Avenue the pavement width will vary from 26 feet

to 38 feet in order to improve pedestrian safety, define recessed parking areas, add an auxiliary left turn lane, and connect to an existing pavement stub at Mt. Hope Avenue.

2. Establish an eastbound left turn lane on Crittenden Boulevard to access an existing parking lot entrance starting 137 feet east of East Drive to 302 feet east of East Drive by removing a 55 feet section of existing raised median and construction of a 60 feet long, 11 feet wide, left turn lane and taper 50 feet in length.
3. Widen Elmwood Avenue by 12 feet, from 62 feet to 74 feet, beginning 788 feet west of Mt. Hope Avenue and ending 640 feet west of Mt. Hope Avenue, to create an eastbound right turn lane for a proposed driveway.

College Town is a mixed-use development on a 14-acre site owned by the University of Rochester, fronting on the Mt. Hope Avenue commercial corridor between Crittenden Boulevard to the south and Elmwood Avenue to the north. A new street to service the site will be constructed by the developer (College Town, LLC); their work includes excavation and grading of the whole site; coordinating utilities, paving and other work; and integrating the street construction with the rest of the project.

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

The Traffic Control Board endorsed the pavement width changes at their May 21, 2013 meeting.

It is anticipated that the construction will begin in late fall 2013, with completion projected for December 2014.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-111

Ordinance No. 2013-201
(Int. No. 203)

Establishing The Pavement Width Of The New Street Between East Drive And Mt. Hope Avenue As Part Of The College Town Development Project

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

Section 1. The Council hereby approves a pavement width of 40 feet for a future Right-of-Way (currently identified as Celebration Drive) between East Drive (owned by the University of Rochester) to the west and Mt. Hope Avenue to the east, a total length of 804 feet, as part of the College Town Development Project, except as follows:

- Within 40 feet east of East Drive, the pavement width shall be established at 26 feet to improve pedestrian safety and define recessed parking areas; and,
- Between 232 feet and 312 feet east of East Drive the pavement width shall be established at 26 feet to improve pedestrian safety and define recessed parking areas; and,
- Within 266 feet west of Mt. Hope Avenue the pavement shall vary in width from 26 feet to 38 feet in order to improve pedestrian safety, define recessed parking areas, add an auxiliary left turn lane and connect to an existing pavement stub at Mt. Hope Avenue.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-202
(Int. No. 204)

Approving Changes In The Pavement Width Of Crittenden Boulevard As Part Of The College Town Development Project

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

Section 1. The Council hereby approves the establishment of an eastbound left turn lane on Crittenden Boulevard to access an existing parking lot entrance starting 137 feet east of East Drive to 302 feet east of East Drive by removing a 55 foot section of existing raised median and construction of a 60 foot long, 11 foot wide, left turn lane and taper 50 feet in length, as part of the College Town Development Project.

Section 2. The Council hereby further approves an increase of 7 feet, from 56 feet to 63 feet, in the pavement width of Crittenden Boulevard, from 52 feet west of Mt. Hope Avenue to 259 feet west of Mt. Hope Avenue, to create a second westbound travel lane to improve safety for vehicles turning into driveways for the College Town Development Project.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-203
(Int. No. 205)

Approving An Increase In The Pavement Width Of Elmwood Avenue As Part Of The College Town Development Project

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

Section 1. The Council hereby approves an increase of 12 feet, from 62 feet to 74 feet, in the pavement width of Elmwood Avenue, from 788 feet west of Mt. Hope Avenue to 640 feet west of Mt. Hope Avenue, to create an eastbound right turn lane for a proposed driveway as a part of the College Town Development 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. 2013-204
Re: Extending a Moratorium on
Hydrofracking

Transmitted herewith for Council approval is legislation that will extend the moratorium on the exploration and extraction of natural gas, commonly referred to as "hydrofracking", within the City of Rochester for an additional year.

Hydrofracking is the process used to extract natural gas that has been trapped in shale formations through high pressure horizontal drilling which infuses water, sand and chemical additives to create small fractures within the rock that will then allow for natural gas to flow.

This legislation would extend the moratorium based on the fact that the State of New York has not yet acted on this subject in a statewide capacity and because the higher courts of New York State have upheld lower courts' decision, which found that bans/moratoriums on hydrofracking through Zoning are allowable. The higher courts' decision to uphold the lower courts' ruling was unanimous and, because of that, permission would need to be granted by the Court of Appeals to hear this case. Based on these two points, I am respectfully requesting that my colleagues on Council extend this moratorium for one year as we await the above-mentioned findings.

Respectfully submitted,
Loretta C. Scott
Chair, Jobs, Parks & Public Works Committee

Ordinance No. 2013-204
(Int. No. 218)

Extending A Moratorium On Permits, Certificates Of Zoning Compliance And Variances

For Exploration And Extraction Of Natural Gas Within The City

WHEREAS, the City of Rochester hereby intends to extend a moratorium on the exploration and extraction of natural gas within the City of Rochester under its zoning powers, in order to preserve and protect the public health, safety and welfare of the residents of and visitors to the City of Rochester from known and suspected dangers from natural gas exploration and extraction, while the effects of such activities in the City can be further studied; and

WHEREAS, the City Council of the City of Rochester finds that:

- (1) Natural gas exploration and extraction occurring in the urban environment of the City of Rochester may pose a significant threat to the health, safety and welfare of the residents of and visitors to the City of Rochester.
- (2) The potential exists for environmental and human health impacts as evidenced by reported cases of such impacts in other areas of the country where natural gas exploration and extraction has occurred.
- (3) Natural gas exploration and extraction within the City of Rochester could endanger the health, safety and welfare of City residents and visitors through the deposit of gases, vapors, hazardous substances and other materials into the air, soil, water and environment of the City. The City of Rochester, an urban area, with dense residential development, a built environment and the existence of many brownfield sites, may be particularly vulnerable to these impacts.
- (4) Clean air, water and soil are essential to most resources and activities in the Rochester area. The quality of air, water and soil may be degraded and polluted by natural gas exploration and extraction and the chemicals used in these processes, and this pollution may have immediate and long term adverse health impacts.
- (5) There has been inadequate research into the specific impacts of natural gas exploration and extraction in urban areas, where there are dense residential development, many existing industrial sites, and a large number of brownfield sites containing identified and unidentified hazardous substances or hazardous wastes. Of particular concern is the impact that the natural gas extraction method of high-volume hydraulic fracturing may have on the existing hazardous substances or hazardous wastes found in brownfield sites, the potential for and increased danger from seismic activity in a developed urban area, and the increased danger from any spills, emissions or discharges due to proximity to dense urban populations.

- (6) The City of Rochester is uniquely situated on or adjacent to several bodies of water, including Lake Ontario, the Genesee River and the Erie Canal, which are already vulnerable to pollution from groundwater runoff and other sources. In addition, the City has a large number of parks as well as public and private cemeteries. There has been inadequate study of the potential adverse impact of natural gas exploration and extraction on these critical natural resources.
- (7) The protection of residents, neighborhoods and the natural environment by placing a moratorium on natural gas exploration and extraction in the City of Rochester is an appropriate use of the City's zoning powers; and

WHEREAS, the extension of the moratorium imposed on permits, certificates of zoning compliance and variances for natural gas exploration and extraction for an additional approximate one-year period shall allow for further review in order that informed decisions may be made on the effects of such activities in the City.

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

Section 1. The moratorium on the acceptance of applications for, and on the approval of, permits, certificates of zoning compliance and variances for natural gas exploration and extraction in the City of Rochester adopted by Ordinance No. 2012-269 is hereby extended through June 30, 2014.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
June 18, 2013

To the Council:

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

Int. No. 206 - Authorizing An Agreement For The Southwest Youth Organizing Project

Int. No. 207 - Authorizing An Agreement For The Parent Leadership Training Institute

Int. No. 208 - Establishing Maximum Compensation For An Amendatory Agreement For Veterinary Services

Int. No. 219 - Establishing Maximum Compensation For A Professional Services Agreement For The Officer Assistance Program

Int. No. 220 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Physical Training Services

Int. No. 222 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. Nos. 207, 208, 219, 220 and 222)
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-205
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 2012-13 Community Development Block Grant.

The Center for Teen Empowerment administers the Project which is designed to engage youth in improving the community in the southwest area of the city. Twelve youth from the area are hired to implement youth-oriented initiatives, activities, and events. The total program budget for 2013 is \$156,045. City funds will be used for wages for the youth participants.

The project description and budget are attached. This is the third year of City funding for the project.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-112

Ordinance No. 2013-205
(Int. No. 206)

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 2012-13 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-206
Re: Parent Leadership Training Institute

Transmitted herewith for your approval is legislation appropriating \$10,000 from the Job Creation/Youth Development account of the General Community Needs allocation of the 2008-09 Community Development Block Grant. This amount will fund an agreement with Rochester's Child, Inc., a subsidiary of the Rochester Area Community Foundation, for the Parent Leadership Training Institute (PLTI).

PLTI is an evidence-based program offered by Rochester's Child, Inc. in partnership with the Early Childhood Development Initiative. It is designed to increase parents' involvement and engagement in their children's academic and developmental processes. Parents participate in a twenty-week training program with topics that include child and adolescent youth development, public speaking, civics, and policy development. Twenty-five parents will be served in 2013-14.

This is the second year of City funding for this program. The most recent agreement for these services was approved by Ord. No. 2012-54.

A project description and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-113

Ordinance No. 2013-206
(Int. No. 207)

Authorizing An Agreement For The Parent Leadership Training Institute

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochester's Child, Inc. for the Parent Leadership Training Institute.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed

\$10,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2008-09 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-207
Re: Amendatory Agreement - Stone Ridge
Veterinary Hospital

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe Veterinary Associates, d/b/a Stone Ridge Veterinary Hospital, for additional veterinary services. The original agreement, authorized via Ordinance No. 2012-346, included maximum compensation of \$15,000 for a term of one year. This amendment will increase compensation by \$5,000. The additional cost will be funded from the 2013-14 Budget of the Police Department, contingent upon its approval.

The amendment will also provide the option of two one-year renewals of the agreement, with maximum annual compensation not to exceed \$15,000. This amount will be funded from the 2013-14 and 2014-15 Budgets of the Police Department, contingent upon their approval.

The allocation of \$15,000 for the current agreement is nearly exhausted due to an unanticipated number of canine surgeries. The additional funds will allow for veterinary services to continue through the remainder of the current agreement, which expires August 31, 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-207
(Int. No. 208)

Establishing Maximum Compensation For An Amendatory Agreement For Veterinary Services

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an amendatory professional services agreement with Stone Ridge Animal Hospital for veterinary services for the Canine Unit of the Rochester Police Department. Said amount shall be funded from the 2013-14 Budget of the Rochester Police Department.

ment. Said agreement may be extended for two additional one-year periods in amounts not to exceed \$15,000 annually, which shall be funded from the annual budgets of the Rochester Police Department, contingent upon their adoption.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-208
Re: Agreement - University of Rochester
Medical Center, Officer Assistance
Program

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum annual compensation for an agreement with University of Rochester Medical Center, Strong OAP for administration of the Officer Assistance Program (OAP). The cost of this agreement will be funded from the 2013-14 Budget of the Police Department.

Strong OAP will provide confidential employee assistance services to the Rochester Police Department Officers and their families. They will also provide crisis intervention and stress management services to RPD members who have experienced a traumatic event or critical incident. The program, Critical Incident Stress Management Team, will be available 24 hours a day, seven days a week.

Strong OAP was selected through a request for proposal process, described in the attached summary.

The term of this agreement will be for one year, beginning July 1, 2013, with the option to renew for four additional, consecutive one-year periods. Funding for subsequent agreements will be included in the respective annual Budgets of the Police Department.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-114

Ordinance No. 2013-208
(Int. No. 219)

Establishing Maximum Compensation For A Professional Services Agreement For The Officer Assistance Program

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the University of Rochester Medical Center for continued administration of the Officer Assistance Program.

gram, for a term not to exceed one year, with four one-year renewal options. Said amount shall be funded from the 2013-14 and subsequent budgets of the Rochester Police Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-209
Re: Amendatory Agreement - Personal Energy, Inc., Firefighter Fitness Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Personal Energy, Inc. for continued physical fitness training consultation services for firefighter recruits in preparation for the Candidate Physical Agility Test (CPAT).

The original agreement provided \$10,000 as maximum compensation for a one-year agreement. This amendment will increase compensation by \$22,500 for a total of \$32,500, and extend the term to two years, through November 12, 2014, with an option for a one-year renewal. The additional costs will be funded from the 2013-14 (\$15,000) and 2014-15 (\$7,500) Budgets of the Fire Department, contingent upon their approval.

The assistance of a certified personal trainer during Fire Recruit classes is a new strategy tested by the Department during the most recent Fire Recruit class that began in November 2012. The intent of this pilot program was to bolster the overall fitness of recruit class participants and improve their ability to successfully complete the New York State-mandated CPAT prior to graduation from the Fire Academy.

Personal Energy, Inc was selected through a request for proposal process described in the attached summary. The initial program was intended as a trial period to determine the required resources, costs, and outcomes of the provision of this service. Given the 100% success rate of the 21 recruits in this first program, it is recommended that the program continue. Services include:

- Educate recruits on weight training and aerobic exercise routines that will assist them in a successful outcome on the CPAT
- Train recruits how to do exercises correctly and how to prevent or reduce the risk of injuries
- Provide instruction on use of different exercise machines at the gym and how to work all the major muscles of the body
- Provide consultation and evaluation of each Fire Academy recruit for training and preparation for CPAT

- Develop individual aerobic exercise programs for Firefighter Recruits
- Teach sound and necessary nutrition practices that will lead to better performance and healthier participants

Based on the consultant's hourly rates, the number of recruits in each class, and the number of hours of training provided, it is estimated that the total cost per recruit class is \$7,500. Two classes will be conducted in 2013-14, and one in 2014-15.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-115

Ordinance No. 2013-209
(Int. No. 220)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Physical Training Services

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

Section 1. The sum of \$22,500, 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 Personal Energy, Inc. for physical training services for the Rochester Fire Department through November 12, 2014, with a one-year renewal option. Of said amount, \$15,000 shall be funded from the 2013-14 and \$7,500 from the 2014-15 Budgets of the Rochester Fire Department, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-210
Re: Veterinary Services Agreements

Transmitted for your approval is legislation related to veterinary services for Rochester Animal Services (RAS) for 2013-14. This legislation will:

1. Appropriate \$9,000 from the Animal Control Gifts Fund for support of veterinary services.
2. Establish \$49,390 as maximum aggregate compensation for agreements for veterinary services for the City's Animal Services shelter. The cost of these agreements will be funded from the 2013-14 Budget of the Police Department (\$40,390) and the Animal Control Gifts Fund (\$9,000), as appropriated herein. The RPD Budget amount includes \$11,790 provided by a grant from the ASP-CA.

The table below summarizes the use of these funds.

<u>Agreements</u>			
<u>RPD</u>	<u>ASPCA</u>	<u>Gifts</u>	
<u>Budget</u>	<u>Grant</u>	<u>Fund</u>	<u>Total</u>
On-site vet services			
\$19,600	\$11,790	\$9,000	\$40,390
Monroe Vet Assoc			
7,000			\$7,000
Lollypop Farm			
2,000			2,000
<u>Total</u>			
\$28,600	\$11,790	\$9,000	\$49,390

In addition to the full-time veterinarian hired in January 2012, RAS establishes agreements with veterinarians and veterinary technicians to increase the surgical capacity, improve customer service, and to provide veterinary coverage during absences. The consultants provide veterinary services including, but not limited to, examinations, treatments, vaccinations, and surgical sterilization for the animals in custody at the City's animal shelter on Verona Street. Each of the consultants provides services on a part-time or on-call basis.

RAS also establishes agreements with Monroe Veterinary Associates/Animal Emergency Services for emergency and after-hours veterinary services, and with the Humane Society at Lollypop Farm, which is utilized as a contingency plan for surgeries when consultants are not available to provide services at the shelter.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-210
(Int. No. 222)

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 \$49,390, 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. Of said amount, \$40,390 shall be funded from the 2013-14 Budget of the Rochester Police Department and \$9,000 is hereby appropriated from the Animal Control Gifts Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 54 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted by unanimously.

Councilmember McFadden moved to amend Int. No. 54 by substitution.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

Introductory No. 54 was introduced February 19, 2013 and appears in its original form with its transmittal letter on page 69 of the current Council Proceedings.

Attachment No. AM-116

Ordinance No. 2013-211
(Int. No. 54)

Authorizing An Agreement For The NEAD Family Engagement 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 Northeast Area Development, Inc. for the Family Engagement Program at Schools 4, 16 and 33.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Objective, Job Creation/Youth Development Allocation of the 2009-10 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:28 p. m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JULY 16, 2013

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
 - *Charles J. Lamphron III
 - *Francis A. O'Hare
 - Ronald M. Starsky
 - *Shirley A. Whiteside
 - Human Resource Management
 - *Kathleen Verzillo
 - Emergency Communications
 - Barbara J. O'Connor
 - Neighborhood & Business Development
 - *David W. Wilkinson
 - Barbara Anne Zinker
 - Fire Department
 - *Phillip J. Cichetti
 - *Ronald R. Cottorone
 - *Charles B. Herb
 - *Michael E. Mix
 - Police Department
 - *David S. MacFall
 - *Freeman R. Shaw
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of June 18, 2013 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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

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

The Mayor submits the following:
Quarterly Report - Delinquent Receivables 4115-13

The Council submits Disclosure of Interest Forms from Councilmember Conklin on Int. No. 276, Councilmember Haag on Int. Nos. 262, 271 and 273, Councilmember Spaul on Int. Nos. 248 and 286, and President Warren on Int. Nos. 256 and 257.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Councilmember Palumbo submitted a petition with 222 signatures in support of smart development and 2 against CityGate building a Costco. Petition No. 1692

PUBLIC HEARINGS.

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

Amending The Official Map By Abandonment Of A Portion Of West Broad Street Between Oak Street And West Main Street And Authorizing An Easement Int. No. 260 No speakers.

Amending The Consolidated Community Development/2013-14 Annual Action Plan Int. No. 262 No speakers.

Authorizing The Sale And Lease Of Parcels, Parking Rights, Easements And Additional Rights To Further The Midtown Urban Renewal Plan Int. No. 282 3 speakers: Alex White, Lisa Jacques, Remy Fenster.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending The Development Concept Plan For CityGate, Planned Development District No. 11 Int. No. 298 12 speakers: John Kennedy, Zack DeClerk, Dale Maddock, Tom Grasso, Al Becker, Bob Goode, Melaine Warren, Richard Rowe, Dan Cirone, Adam Helfrich, Alan Antonez, Christopher Brandt.

Changing The Zoning Classification Of 445 Westfall Road From PD #11-CityGate To R-3/O-B High Density Residential/Overlay Boutique Int. No. 299 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
July 16, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 244 - Cancellation Of Taxes And Charges

Int. No. 245 - Reducing The Amount Authorized In Bond Ordinance No. 2011-177

Int. No. 246 - Authorizing Competitive Grant Applications

Int. No. 248 - Establishing Maximum Compensation For An Agreement For The Rochester Fringe Festival

Int. No. 249 - Establishing Maximum Compensation For An Agreement For Greentopia Festival 2013

Int. No. 292 - Authorizing Extension Of Agreements For The Management Of The Blue Cross Arena At The War Memorial And Lease Of Municipal Lot #10

Int. No. 294 - Authorizing Consolidated Funding Grant Applications And Agreements

Int. No. 295 - Resolution Supporting Consolidated Funding Grant Applications, As Amended

Int. No. 296 - Authorizing An Agreement For The Operation Of The South Avenue Garage

Int. No. 247 - Authorizing Agreements For Appraisal Services

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Lovely A. Warren
Dana K. Miller Miller (Did not vote on Int. Nos.
244 through 246, 248, 249, 292, and 294)
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-212
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legisla-
tion approving the cancellation or refund of taxes
and charges totaling \$10,878.

The properties located at 62 and 58-60 St. Paul
Street and 58 Mortimer Street are owned by the
Rochester Genesee Regional Transportation Autho-
rity, which took title to the properties on June 8,
2012.

RGRTA is exempt from real property taxes pur-
suant to New York State Public Authorities Law.
The 2012-13 taxes accrued since taking ownership
of the property are being cancelled.

If these cancellations are approved, total cancella-
tions thus far for 2012-13 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	12	\$178,643.87
Administrative	118	29,675.50
Total	130	\$208,319.37

These cancellations represent 0.087% of the tax
receivables as of July 1, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-117

Ordinance No. 2013-212
(Int. No. 244)

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 62 St. Paul Street is
owned by Rochester Genesee Regional
Transportation Authority. RGRTA is ex-
empt from real property taxes pursuant to
Public Authorities Law 1299-qq. RGRTA
took title to the property on June 8, 2012,
but did not occupy it until October of 2012.
Although they didn't own the property on

the taxable status date of February 1, 2012,
the City of Rochester cannot collect a prop-
erty tax from RGRTA as they are a Public
Authority. The balance due for 2012-13 is
being cancelled at the request of RGRTA.

S.B.L.#: 106.79-1-59
Class: N
Address: 62 St. Paul Street
Tax year: 2013
Amount cancelled: \$ 4,164

(B) The property located at 58-60 St. Paul Street
is owned by Rochester Genesee Regional
Transportation Authority. RGRTA is ex-
empt from real property taxes pursuant to
Public Authorities Law 1299-qq. RGRTA
took title to the property on June 8, 2012,
but did not occupy it until October of 2012.
Although they didn't own the property on
the taxable status date of February 1, 2012,
the City of Rochester cannot collect a prop-
erty tax from RGRTA as they are a Public
Authority. The balance due for 2012-13 is
being cancelled at the request of RGRTA.

S.B.L.# 106.79-1-60
Class: N
Address: 58-60 St. Paul Street
Tax year: 2013
Amount cancelled: \$ 2,088

(C) The property located at 58 Mortimer Street
is owned by Rochester Genesee Regional
Transportation Authority. RGRTA is ex-
empt from real property taxes pursuant to
Public Authorities Law 1299-qq. RGRTA
took title to the property on June 8, 2012,
but did not occupy it until October of 2012.
Although they didn't own the property on
the taxable status date of February 1, 2012,
the City of Rochester cannot collect a prop-
erty tax from RGRTA as they are a Public
Authority. The balance due for 2012-13 is
being cancelled at the request of RGRTA.

S.B.L.#: 106.79-1-56
Class: N
Address: 58 Mortimer Street
Tax year: 2013
Amount cancelled: \$ 4,626

Grand Total \$10,878

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-213
Re: Rescinding a Portion of a
Previous Bond

Transmitted herewith for your approval is legisla-
tion rescinding a total of \$230,000 of an unused
bond originally authorized via Ordinance No. 2011-
177 as part of the \$29,000,000 authorization for the
Rochester City School District Facilities Moderni-
zation Program.

The funds were planned to assist the Rochester
Joint Schools Construction Board to pay for prelim-
inary engineering and design costs for Phase 1a.
This unissued amount is not needed for the project.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-213
(Int. No. 245)

**Reducing The Amount Authorized In Bond
Ordinance No. 2011-177**

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

Section 1. Bond Ordinance No. 2011-177, relat-
ing to the Facilities Modernization Program of the
Rochester City School District, is hereby amended
by reducing the maximum amount of such purpose
and the amount of authorized bonding by the sum
of \$230,000, from \$29,000,000 to \$28,770,000.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-214
Re: Competitive Grant Applications -
Fiscal Year 2013-14

Transmitted herewith for your approval is legisla-
tion authorizing certain competitive grant applica-
tions for 2013-14. This legislation helps streamline
the application process. Council has approved such
grant applications annually beginning in 2007.

There are hundreds of federal, state, regional, and
private grant opportunities that the City qualifies
for as a municipality. Frequently, granting agen-
cies require City Council endorsement as part of
the application process. Providing this "up front"
approval will enable staff to respond to funding
opportunities more quickly.

Grant applications will continue to require individ-
ual Council endorsement when:

- The City is required to pay more than \$250,000 of the cost of the project,
- The award exceeds \$1,000,000,

- Or, for capital projects, 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

Ordinance No. 2013-214
(Int. No. 246)

Authorizing Competitive Grant Applications

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

Section 1. The Mayor is hereby authorized to
submit applications to Federal, State, and regional
governments, agencies and authorities, as well as
private foundations and other funding sponsors, for
funding that will support City programs, services
and capital operations.

Section 2. For successful award applications,
the Mayor shall obtain City Council approval to
enter into agreements for receipt of the funding and
necessary professional services agreements for
performance of the work, and for appropriation of
the funds.

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

Section 4. Grant applications which obligate the
City of Rochester to pay more than \$250,000 in
City funding shall require City Council authoriza-
tion.

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 2013-14 fiscal year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-215
Re: Agreement - Rochester Arts Festival,
Inc., 2013 Fringe Festival
Sponsorship

Transmitted herewith for your approval is legisla-
tion establishing \$20,000 as maximum compensa-
tion for an agreement with Rochester Arts Festival,
Inc., d/b/a the Rochester Fringe Festival, to desig-
nate the City of Rochester as a sponsor of the 2013
First Niagara Rochester Fringe Festival (FNRFF).
The cost of this agreement will be funded from the
2013-14 Budget of the Bureau of Communications.

With over 32,000 attendees at 180 performances

taking place at 20 venues in 2012, the inaugural First Niagara Rochester Fringe Festival was one of the most successful Fringe Festivals in the nation last year, as well as one of Rochester's most successful first-time festivals.

The FNRF is a multi-disciplinary visual and performing arts festival that features national, international, and local artists. The festival is supported by many of Rochester's cultural institutions, including performing art organizations, theatre and dance companies, and colleges. It showcases their offerings in theatre, comedy, visual arts, family entertainment, music, dance, physical theatre, street theatre, musical theatre, opera, poetry, and literature.

The 2013 festival will be expanded from five days to ten and held September 19-28. It will include more than 325 performances at 28 venues, all located in the City of Rochester. More than 30% of these performances are free. This year, the festival expects to attract approximately 45,000 people over the ten days.

City funds will support a variety of free, family-friendly performances and festival space, including:

- Two days of aerial dance troupe Bandaloop's performances at Manhattan Square Park
- Three days of shows on Gibbs Street
- Ten days of free events at the Spiegelgarten to be located on the corner of Main and Gibbs Streets

The Spiegelgarten will feature a Spiegeltent, one of the few remaining lavish traveling arts tents in the world. Rochester's Fringe Festival will be the first in North America to use a Spiegeltent.

The First Niagara Rochester Fringe Festival uniquely celebrates Rochester's rich performing arts culture. Its presence enhances the city's reputation as a respected destination for the arts and enables Rochester to join the ranks of other world-class cities with Fringe Festivals, such as New York City, Philadelphia, Toronto, Chicago, Los Angeles, and Edinburgh, Scotland.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-215
(Int. No. 248)

Establishing Maximum Compensation For An Agreement For The Rochester Fringe Festival

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Rochester Arts Festival, Inc.,

d/b/a the Rochester Fringe Festival, for the 2013 First Niagara Rochester Fringe Festival. Said amount shall be funded from the 2013-14 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, Mcfadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spaul abtained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-216
Re: Agreement - Friends of the
GardenAerial, Inc., Greentopia
Festival 2013

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Friends of the GardenAerial, Inc. (Lewis Stess and Michael Philipson, Principals) for production of Greentopia Festival 2013 to be held in September 2013. The cost of this agreement will be financed from the 2013-14 Budget of the Bureau of Communications.

This is the third year of Greentopia, a festival focusing on environmental sustainability through a variety of forums including music, film, innovation conference, art and design, and the EcoFest. Attendance in 2011 over two days was approximately 18,000; last year it grew to 23,000 attendees over five days. Greentopia is designed as a tourist destination event - appealing to a wide array of interests and audiences. Five interactive components are planned for Greentopia Festival 2013, including:

- Film Five-day documentary film festival with music performances and discussions
- Futures Two-day summit with speakers and creators of future trends in design and product
- Music Three-day music gathering that includes classical, Americana and jazz performances
- Design Focuses on art and fashion
- EcoFest Free two-day festival that showcases everything from green vehicles to recycled fashions, children's play area and street vendors

The City's funding of Greentopia Festival 2013 will support the two-day EcoFest in the High Falls District as well as a free family film at Manhattan Square Park.

Friends of the Garden Aerial, Inc. is a non-profit grassroots community organization founded in 2011. The project mission is to preserve natural and historic resources, and cultivate High Falls and the Upper Gorge transformation into a world-class public green space through stewardship, innovative design, and community outreach.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-216
(Int. No. 249)

Establishing Maximum Compensation For An Agreement For Greentopia Festival 2013

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Friends of the GardenAerial, Inc., for production of Greentopia Festival 2013. Said amount shall be funded from the 2013-14 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-217
Re: Amendments to Agreements -
SMG, Blue Cross Arena at the
War Memorial Management and
Parking Lot Lease

Transmitted herewith for your approval is legislation related to management of the Blue Cross Arena at the War Memorial and the lease of City property for adjacent parking. This legislation will:

1. Authorize a one-year extension of the agreement with SMG for continued management of the Blue Cross Arena, with an option for a four-year renewal, for continued management of the Blue Cross Arena. Exercise of the four-year renewal option will be subject to City Council approval. All other terms and conditions of the agreement will remain as per Ordinance No. 2008-322.
2. Authorize a one-year extension of the lease agreement with SMG for the parking lot at the corner of Court and Exchange Streets, with an option for a four-year renewal, the exercise of which will be subject to City Council authorization. The lot includes eight parcels: 25 Court Street, and 132, 156, 168, 170, 180, 182 and 200 Exchange Blvd. All other terms and conditions of the lease will remain as per Ordinance No. 2010-353.

SMG, based in West Conshohocken, PA, is the successor to a management contract between the City and Ogden Entertainment (Ord. No. 98-250). At the conclusion of the 10-year term, an Extension Agreement with SMG was negotiated in 2008, with two 5-year renewal options. The first 5-year renewal period, which was approved pursuant to Ordinance No. 2008-322, expires July 31, 2013.

Legislation has also been submitted this month for the transfer of ownership of 200 Exchange Boulevard from the Rochester Urban Renewal Agency to the City. The transfer of ownership will not affect the lease, as the agreement is binding upon successors and assigns.

The original term of the lease agreement for the parking lot expires July 30, 2013 with an option for one five-year renewal. The amendment will provide for the term of the lease to be coterminous with the agreement for management of the arena.

In anticipation of the July 31, 2013 expiration of the first renewal period for the management contract, the City issued a Request for Qualifications for operation and management of the facility on February 27, 2013. Responses were solicited from six organizations and one local owner of a professional sports team. The deadline for response was March 28, 2013.

One response was received, jointly submitted by SMG and Western New York Arena, LLC (WNYA), an affiliate of the Buffalo Sabres. WNYA has managed and operated the Buffalo facility, now known as the First Niagara Center, since 1996. Discussions with SMG and WNYA are in progress. Additional time is needed to arrive at a comprehensive plan that best ensures the long-term success of the facility.

While extensive renovations to the Arena were undertaken 15 years ago, it is now necessary to update amenities and address physical wear and tear. A physical assessment of the facility will be conducted and is expected to be completed in late fall 2013. That evaluation will include recommendations for capital improvements aimed at preserving the facility and increasing its capacity to generate revenue by enhancing the customer experience. The recommendations will form the basis for a long-term strategic plan for upgrades to the facility.

SMG and the Amerks have agreed to extend their license agreement for one year beyond the current expiration date of July 30, 2013. The Amerks were re-affiliated with the Buffalo Sabres in 2011, which has resulted in increased attendance and concessions.

The Scoreboard Agreement has a 12-year term, expiring on October 11, 2014. Constellation Brands Inc. has first right of refusal for an additional sponsorship agreement, subject to negotiated terms and conditions. The Arena Naming Agreement with Blue Cross/Blue Shield of the Rochester Area ends on October 30, 2013. The City is currently discussing renewal of the agreement, as well as reviewing other alternatives.

During the one-year extension period, negotiations will continue to determine the apportionment of revenues and expenses, and to identify strategies to maximize the financial performance of the facility. The objective is to conclude a new long-term contract on or before July 31, 2014 to supersede the existing agreement.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2013-217
 (Int. No. 292)

Authorizing Extension Of Agreements For The Management Of The Blue Cross Arena At The War Memorial And Lease Of Municipal Lot #10

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

Section 1. The Mayor is hereby authorized to extend the existing agreement with SMG for the management of the Blue Cross Arena at the War Memorial, as authorized by Ordinance No. 2008-322, for a term of one year, with an option to renew for an additional term of 4 years with the approval of City Council. This extension shall be in lieu of the current 5-year renewal option. The terms and conditions of the existing agreement shall remain in full force and effect during this new term.

Section 2. The Mayor is hereby further authorized to extend the lease agreement with SMG for the lease of Municipal Lot #10, as authorized by Ordinance No. 2010-353, for a term of one year, with an option to renew for an additional term of 4 years with the approval of City Council. This extension shall be in lieu of the current 5-year renewal option. The terms and conditions of the existing lease agreement shall remain in full force and effect during this new term.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to amend Int. No. 295.

The motion was seconded by Councilmember Spaul

The motion was adopted unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-218 and
 Resolution No. 2013-14
 Re: Grant Applications - 2013-14 New
 York State Consolidated Funding
 Application

Transmitted herewith for your approval is legislation related to the 2013-14 New York State Consol-

idated Funding Application (CFA) process. The CFA is the single point of entry for accessing up to \$750 million in State funding from 11 State agencies: Agriculture and Markets; Canal Corporation; Council on the Arts; Department of Labor; Department of State; Empire State Development; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Parks, Recreation, and Historic Preservation; and Power Authority. Applications are due on August 12, 2013. This legislation will:

1. Authorize the City's applications for funding through the CFA process.
2. Authorize any necessary agreements with New York State for the receipt of funding.
3. Endorsing applications by external organizations for CFA funding for projects supported by the City and consistent with City policy.

City Applications

In June 2013, an interdepartmental team of City managers met to review CFA recommendations from departments. Projects recommended for CFA submission were based on current stage of project development, consistency with fund source guidelines, ability to complete the project in the time-frame(s) established by the State agency, and ability to obtain matching funds through the Capital Improvement Program.

The City of Rochester intends to submit up to 11 applications through the CFA for projects listed below, for a total of approximately \$11 million in funding. Project descriptions are provided in the attached summary.

<u>Project</u>	<u>Total Cost</u>	<u>State Request</u>	<u>City Match</u>
Comprehensive Plan Update	\$250,000	\$187,500	\$62,500
Dewey/Driving Park Intersection	\$2,255,000	\$1,127,500	\$1,127,500
CNG Time-Fill Station	\$2,000,000	\$1,500,000	\$500,000
Mt. Hope Cemetery Gatehouse	\$392,000	\$196,000	\$196,000
Pulaski Library	\$600,000	\$300,000	\$300,000
Vacuum Oil Site - Flint Street Gateway	\$128,000	\$64,000	\$64,000
Crossroads Garage/Charles Carroll Plaza	\$7,300,000	\$1,900,000	\$5,400,000
Erie Harbor Park Promenade	\$3,140,000	\$1,200,000	\$1,940,000
High Falls/Brewery Line Trail	\$400,000	\$200,000	\$200,000
Public Market	\$20,814,000	\$4,000,000	\$8,314,000
Smart Parking Meter Upgrade	\$300,000	\$200,000	\$100,000

In 2012-13, the City submitted applications for 17 projects with a request for funds totaling over \$20 million. Funding was awarded for three projects:

Collegietown and Midtown Tower each received \$4 million in State aid while a study for improved public access at High Falls received \$80,000.

If State funding is awarded, it is anticipated that any local match amounts not already allocated will be requested in the 2014-15 Capital Improvement Plan.

City Endorsement of Independent Applications

The City endorses applications to New York State through the CFA process for the following projects, which are described in the attached summary.

<u>Agency</u>	<u>Project</u>	<u>State Funding Program</u>	<u>Amount Requested</u>
Little Theatre/WXXI	Little Theatre Restoration	EPF Historic Preservation	\$500,000
Little Theatre/WXXI	Little Theatre Restoration	Urban Initiatives	\$150,000
Little Theatre/WXXI	Little Theatre Digital Projector Conversion	NYS Council on the Arts	\$50,000
PathStone Corporation	Niagara Place Renovations (North Union Street and Niagara Street)	Urban Initiatives	\$150,000
Greater Rochester Housing Partnership	Neighborhood Builders Program	Urban Initiatives	\$120,000
Sector 4 CDC/ Jefferson Ave. Business Assn.	Jefferson Ave. and Thurston Road façade & streetscape improvements	NY Main Street	\$250,000
Monroe Ave. Merchants Assn.	Monroe Ave. façade and streetscape improvements	NY Main Street	\$250,000
Urban Affairs, Inc.	Façade & streetscape improvements along commercial streets in the 14605 area	NY Main Street	\$75,000

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-118

Ordinance No. 2013-218
(Int. No. 294)

Authorizing Consolidated Funding Grant Applications And Agreements

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

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with New York State for funding through the 2013-14 Consolidated Funding Application for the following projects:

<u>Project</u>	<u>Total Cost</u>	<u>State Request</u>	<u>Local Match</u>
Comprehensive Plan Update	\$250,000	\$187,500	\$62,500
Dewey/Driving Park Intersection	\$2,255,000	\$1,127,500	\$1,127,500
CNG Time-Fill Station	\$2,000,000	\$1,500,000	\$500,000
Mt. Hope Cemetery Gatehouse	\$392,000	\$196,000	\$196,000
Pulaski Library	\$600,000	\$300,000	\$300,000
Vacuum Oil Site - Flint Street Gateway	\$128,000	\$64,000	\$64,000
Crossroads Garage/Charles Carroll Plaza	\$7,300,000	\$1,900,000	\$5,400,000
Erie Harbor Park Promenade	\$3,140,000	\$1,200,000	\$1,940,000
High Falls/Brewery Line Trail	\$400,000	\$200,000	\$200,000
Public Market	\$20,814,000	\$4,000,000	\$16,814,000
Smart Parking Meter Upgrade	\$300,000	\$200,000	\$100,000

Section 2. The applications and agreements shall contain such terms and conditions as the Mayor deems to be

appropriate. Local funding shall be provided through funds already allocated for these purposes, private funding, or through the Capital Improvement Plan.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2013-14
(Int. No. 295, As Amended)

Resolution Supporting Consolidated Funding Grant Applications

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

Section 1. The Council hereby endorses the applications for funding not to exceed the following through the 2013-14 Consolidated Funding Application by external organizations for the following projects set forth, and the Council finds that the applications and projects are consistent with City policies and goals:

Agency	Project	State Funding Program	Amount Requested
Little Theatre/WXXI	Little Theatre improvements	EPF Historic Preservation	\$500,000
Little Theatre/WXXI	Little Theatre improvements	Urban Initiatives	\$150,000
Little Theatre/WXXI	Little Theatre Digital Projector Conversion	NYS Council on the Arts	\$50,000
PathStone Corporation	Niagara Place Renovations	Urban Initiatives	\$150,000
Greater Rochester Housing Partnership	Neighborhood Builders Program	Urban Initiatives	\$120,000
Sector 4 CDC/ Jefferson Ave. Business Assoc.	Jefferson/Thurston facade & streetscape improvements	NY Main Street	\$250,000
<u>Sector 4 CDC</u>	<u>Thurston Rd. facade and streetscape improvements</u>	<u>NY Main Street</u>	<u>\$250,000</u>
<u>Jefferson Ave. Business Assoc.</u>	<u>Jefferson Ave. facade and streetscape improvements</u>	<u>NY Main Street</u>	<u>\$250,000</u>
Monroe Ave. Merchants Assoc.	Monroe Ave. facade and streetscape improvements	NY Main Street	\$250,000
Urban Affairs, Inc. 14605	Facade & streetscape improvements along commercial streets in the 14605 area	NY Main Street	\$75,000
<u>Urban League of Rochester Economic Development Corp.</u>	<u>265 N. Clinton Ave. Renovation</u>	<u>Urban Initiatives</u>	<u>\$200,000</u>
<u>Urban League of Rochester Economic Development Corp.</u>	<u>FIS Acquisition Rehab Resale III</u>	<u>HOME</u>	<u>\$600,000</u>
<u>Urban League of Rochester Economic Development Corp.</u>	<u>Michelson Building/ Mills at High Falls</u>	<u>Urban Initiatives EPF Historic Pres.</u>	<u>\$150,000 \$300,000</u>

<u>Friends of the Garden/Aerial</u>	<u>Flour Garden at Brown's Race</u>	<u>Empire State Dev. Parks, Rec. & Historic Pres.- Heritage Areas</u>	<u>\$250,000</u>
<u>Charles Settlement House</u>	<u>Stadium Estates</u>	<u>Urban Initiatives</u>	<u>\$150,000</u>

Section 2. This resolution shall take effect immediately.

Strikeout material deleted; underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-219
Re: Agreement - Rochester
Convention Center Management Corporation, South Avenue Parking Garage

Transmitted herewith for your approval is legislation authorizing an extension to the agreement with the Rochester Convention Center Management Corporation for operation of the South Avenue Parking Garage. The agreement was authorized in December 2011 (Ord. No. 2011-371) for a period of two years (retroactive to July 1, 2011). This legislation will extend the agreement for a period of two additional years. All other terms and conditions will remain the same, including a monthly payment to the City Parking Enterprise Fund of 15% of the gross revenue from the garage.

The Convention Center Management Corporation will continue to be responsible for all expenses related to the operation of the garage including, but not limited to, security, customer service, utilities, cleaning, and repairs costing \$5,000 or less. 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 current agreement extension requested would continue the established rights and responsibilities of all parties.

The estimated annual revenue to the Parking Enterprise Fund from this agreement is \$200,000.

The term of this agreement will extend from July 1, 2013 to June 30, 2015.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-219
(Int. No. 296)

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 (RCCMC) for the continued operation of the South Avenue Garage for a term of two years, commencing on July 1, 2013. The RCCMC shall be responsible for all expenses related to the operation of the garage including, but not limited to security, customer service, utilities, cleaning, and repairs. Repairs in excess of \$5,000 must first be approved in writing by the City.

Section 2. The agreement shall obligate the RCCMC 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. 2013-220
Re: Appraisal Services

Transmitted herewith for your approval is legislation authorizing agreements with the following four firms to provide appraisal services as needed by departments:

- Midland Appraisal Associates, Inc.
- Bruckner, Tillett, Rossi, Cahill & Associates
- Pogel, Schubmehl & Ferrara, LLC
- Metros Appraisal Associates

Appraisal services are routinely required by the Department of Neighborhood and Business Development, the Law Department, and the Department of Environmental Services. As summarized below, a total of \$61,500 has been included in the 2013-14 Budgets of those departments to fund these professional services. Additional appraisal costs may also be covered by project specific appropriations.

<u>Dept.</u>	<u>Purpose of Appraisal Services</u>	<u>Amount</u>
NBD	Commercial, industrial, and residential properties related to acquisitions, sales, easements	\$30,000
DES	Acquisitions for street improvement projects	\$6,500
Law	Assessment and other legal proceedings	\$25,000

These four firms were selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-119

Ordinance No. 2013-220
(Int. No. 247)

Authorizing Agreements For Appraisal 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 Pogel, Schubmehl & Ferrara, LLC; Midland Appraisal Associates, Inc.; Metros Appraisal Associates and Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as required by the City during 2013-14.

Section 2. The cost of the appraisals shall be funded from the 2013-14 Budget of the Department of Neighborhood and Business Development (\$30,000), the Law Department (\$25,000) or the Department of Environmental Services (\$6,500), 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.

By Councilmember Palumbo
July 16, 2013

To the Council:

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

Int. No. 250 - Authorizing The Sale Of Real Estate

Int. No. 251 - Authorizing The Acquisition Of 906-910 West Main Street

Int. No. 252 - Authorizing The Acquisition Of Real Estate

Int. No. 253 - Authorizing An Agreement For Economic Development Support Services

Int. No. 254 - Authorizing Agreements For The Home Buyer Training Program

Int. No. 255 - Authorizing An Agreement For The Dewey Driving Park FIS Area

Int. No. 256 - Authorizing The Dissolution Of The Cultural Center Commission And Amending The 2013-14 Budget

Int. No. 257 - Amending The Municipal Code With Respect To The East End Garage

Int. No. 258 - Amending Ordinance No. 2012-247 Relating To A Loan For The Harris Park Apartments Project

Int. No. 259 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Hearing Officer Services For City Demolitions

Int. No. 261 - Authorizing Lease Agreements For Parking At West Broad Street, Oak Street And West Main Street

Int. No. 281 - Appropriating Funds And Authorizing Agreements For The Lead Hazard Control Program

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

Int. No. 260 - Amending The Official Map By Abandonment Of A Portion Of West Broad Street Between Oak Street And West Main Street And Authorizing An Easement

Int. No. 262 - Amending The Consolidated Community Development/2013-14 Annual Action Plan

Int. No. 298 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending The Development Concept Plan For CityGate, Planned Development District No. 11

Int. No. 299 - Changing The Zoning Classification Of 445 Westfall Road From PD #11-CityGate To R-3/O-B High Density Residential/Overlay Boutique

The following entitled legislation is being held in Committee:

Int. No. 282 - Authorizing The Sale And Lease Of Parcels, Parking Rights, Easements And Additional Rights To Further The Midtown Urban Renewal Plan

Int. No. 283 - Appropriating Funds And Authorizing Loan Agreements For The Reconstruction Of The Midtown Tower And Plaza Building And Financing A Development Revolving Loan Fund

Int. No. 284 - Authorizing An Agreement For The Midtown Plaza Revitalization Project

Int. No. 285 - Authorizing An Amendatory 2010-11 Community Development Program Plan For The Midtown Tower Project

Int. No. 286 - Authorizing Agreements For The Emergency Solutions Grants Program

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-221
Re: Sale of Real Estate

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

The first property is a buildable vacant lot which will be sold to its adjacent owners for combination with their current parcel.

The next twelve parcels are unbuildable vacant lots, all being sold to their adjacent owners who will combine the lots with their existing properties.

The first year projected tax revenue for these thirteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,007.

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. AM-120

Ordinance No. 2013-221
(Int. No. 250)

Authorizing The Sale Of Real Estate

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

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
20 Lang St	091.62-2-53	45x251	11,534	\$900	Howard Terry, Jr. & Beverly Terry

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>
168 Davis St	106.57-3-44	35x100	3,422	Marketview Housing, LP*
863 Exchange St	121.69-4-11	33x86	2,719	Susan B. Weber
Pt of 393 Hawley St	Pt of 120.75-2-23	17x140	2,241	Valerie Trotman
Pt of 393 Hawley St	Pt of 120.75-2-23	17x140	2,241	Esteray Dennis
945 Hudson Av	091.73-4-37	36x110	3,960	JPM Investments, LLC**
10 Lang St	091.62-2-48	36x108	3,971	Dwayne Jubert
37 Laser St	091.80-1-11	35x105	3,675	Shesare Monclus
19 Malvern St	105.35-4-19.1	66x82	5,445	Huw Lloyd
127 Rauber St	106.39-4-26	35x129	4,429	Aqil & Farah Dharamsey
56 Remington St	106.31-2-77	35x108	3,834	Keshia Brundage
389 Remington St	091.71-1-32	32x112	3,631	Jennie Small Craig
287 Weyl St	091.73-4-21	35x72	2,546	Stanislaw Siwec

* Board of Directors: Julie Everitt, President; Rome Celli, Vice President; Sr. Beth LeValley, Treasurer; Joseph Bowes, Secretary

** Principals: John Madigan, Owner & Sole Proprietor

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-222
Re: Acquisition of 906-910 W. Main Street

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of property at 906-910 W. Main Street. The property consists of a 4,154 square foot vacant lot.

The site was formerly improved with a three-story building that was part of a block of row buildings, built with common sidewalls. Two adjacent structures in blighted and deteriorated condition were demolished by the City in April. That work both revealed and exacerbated structural defects inherent in the building at 906-910 W. Main Street. The cost of temporary stabilization was estimated to be between \$60,000 and \$100,000. The owner preferred to sell the property to the City rather than have the building stabilized at the City's expense. The City demolished the structure in May, after a structural review by LaBella Associates, P.C. concluded that the building was unsafe for use and occupancy due to masonry failures and an unstable foundation.

The owner, Steve Rozaklis, operated Critic's restaurant on the first floor of the building, and there was an occupied apartment on the second floor. The City has provided the residential tenants assistance with housing referrals, transportation to inspect available rental units, and coordinating moving their belongings. The tenants will also be provided with a rental assistance payment.

The City is working with Mr. Rozaklis to identify available commercial space for relocation of his restaurant. When a new location is identified, Mr. Rozaklis will be provided with financial assistance to cover business reestablishment costs. The costs for relocation assistance for the business and residential tenants will be paid out of the Insurance Reserve Fund; total expenses have not yet been determined.

The purchase price of \$70,000 was established by an independent appraisal prepared by Jay Loson, MAI on May 24, 2013. The total cost of \$70,800, which includes the purchase price and closing costs, will be funded from the Insurance Reserve Fund.

Upon acquisition by the City, the 2013-14 City taxes are to be canceled. The property is to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-121

Ordinance No. 2013-222
(Int. No. 251)

Authorizing The Acquisition Of 906-910 West Main Street

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

Section 1. The Council hereby approves the acquisition of 906-910 West Main Street, SBL No. 120.420-2-65, from Steve Rozaklis, for an amount not to exceed \$70,000.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$70,800, including acquisition and closing costs, and said amount, or so much thereof as may be necessary, shall be funded from the Insurance Reserve Fund.

Section 3. 2013-14 City taxes and other current-year charges against said parcel shall be canceled. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. The property shall be conveyed with no other outstanding liens or encumbrances.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-223
Re: Acquisition of Land from the Rochester Urban Renewal Agency

Transmitted herewith for your approval is legislation authorizing the acquisition of property owned by the Rochester Urban Renewal Agency (RURA) at 200 Exchange Boulevard for \$1.00. The property was acquired by the RURA as part of a development project that has been completed, thereby eliminating the need for it to remain in ownership by the Agency. The acquisition by the City will facilitate implementation of the City of Rochester Bicycle Trails Project.

The site is improved by a parking lot which is under lease to SMG in conjunction with the operation and management of the Blue Cross Arena at the War Memorial. The Genesee Riverway Trail extends over a portion of the property.

In November 2011 (Ordinance No. 2011-355), Council authorized participation in the City of Rochester Bicycle Trails Project and the receipt of a Federal Highway Administration Congestion Mitigation and Air Quality Fund grant. One of the project's six planned trail connections will use a portion of Exchange Boulevard site.

Transfer of ownership is required to demonstrate site control to the Federal Highway Administration in order to access construction funding.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-122

Ordinance No. 2013-223
(Int. No. 252)

Authorizing The Acquisition Of Real Estate

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

Section 1. The Council hereby approves the acquisition of 200 Exchange Boulevard, SBL No. 121.390-1-5.1, from the Rochester Urban Renewal Agency for the sum of \$1.00.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-224
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 11 months, beginning on August 1, 2013, and expiring on June 30, 2014.

This past year, from July through March, GRE worked with 19 organizations that considered locating in the city. GRE continues work to attract businesses to the Eastman Business Park and other sites in the city. GRE also supports entrepreneurship and innovation within our community.

GRE collaborates with government leaders, businesses, universities, and not-for-profit organizations to help ensure a coordinated 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 entities.

Terms of the agreement are similar to previous years 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 15 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 July 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-123

Ordinance No. 2013-224
(Int. No. 253)

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. 2013-225
Re: Home Buyer Training Program

Transmitted herewith for your approval is legislation related to the Home Buyer Training program, which will be financed from the Homeownership Promotion Fund (\$50,000) and the City Development Fund (\$37,500) of the 2012-13 Consolidated Community Development Plan. This legislation will:

1. Appropriate \$50,000 from the Homeowner-

ship Fund (HOME) of the 2012-13 Consolidated Community Development Plan to partially fund agreements for home-buyer training services.

2. Establish maximum compensation for agreements as follows for home-buyer training services. The cost of these agreements will be funded from the HOME funds appropriated herein and from the City Development Fund (CDF) of the 2012-13 Consolidated Community Development Plan.

<u>Organization</u>	<u>Source</u>	<u>Amount</u>	<u>Max. Compensation</u>
NeighborWorks Rochester	HOME	\$17,500	
	CDF	\$30,000	\$47,500
Urban League of Rochester	HOME	\$17,500	
	CDF	\$5,000	\$22,500
Marketview Heights Assn.	HOME	\$15,000	
	CDF	\$2,500	\$17,500

These three organizations will provide pre- and post-purchase training at a cost of \$350 and \$150, respectively to all recipients of City grants for closing costs. These agreements will allow for up to 425 individuals to receive training.

These providers were selected through a request for proposal process in September 2010. A new RFP will be issued in 2015 in conjunction with preparation of the next five-year Consolidated Community Development Plan.

The Homeownership Promotion Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. Program descriptions are attached.

The City will enter into agreements for this program only with organizations that are in compliance with Federal regulations.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-124

Ordinance No. 2013-225
(Int. No. 254)

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 an agreement with NeighborWorks Rochester to implement the Home Buyer Training Program. The agreement shall obligate the City to pay an amount not to exceed \$47,500, and of said

amount, or so much thereof as may be necessary, \$17,500 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Home Buyer Training Account) of the 2012-13 HOME Program and \$30,000 shall be funded from the 2012-13 City Development Fund.

Section 2. The Mayor is hereby authorized to enter into an agreement with The Urban League of Rochester, NY, Inc. to implement the Home Buyer Training Program. The agreement shall obligate the City to pay an amount not to exceed \$22,500, and of said amount, or so much thereof as may be necessary, \$17,500 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Home Buyer Training Account) of the 2012-13 HOME Program and \$5,000 shall be funded from the 2012-13 City Development Fund.

Section 3. The Mayor is hereby authorized to enter into an agreement with Marketview Heights Association to implement the Home Buyer Training Program. The agreement shall obligate the City to pay an amount not to exceed \$17,500, and of said amount, or so much thereof as may be necessary, \$15,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Home Buyer Training Account) of the 2012-13 HOME Program and \$2,500 shall be funded from the 2012-13 City Development Fund.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations. The agreements shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-226
Re: Agreement - NCS Community
Development Corporation, Dewey
Driving Park FIS Mini Grant

Transmitted herewith for your approval is legislation establishing \$5,800 as maximum compensation for an agreement with NCS Community Development Corporation to implement an art project and related community event in the Dewey Driving Park FIS Area; and appropriating \$1,800 from the Quadrant Planning and Project Program Account of the Neighborhood and Asset-Based Planning Fund of the 2010-11 Community Development Consolidated Plan to partially finance the agreement. The balance of \$4,000 will be funded from the City Development Fund, FIS allocation of the 2009-10 Community Development Block Grant (FIS mini-

grant program).

The City Development funds will be used for a mural on Straub Street and a related community event. The CDBG funds will be used for the artistic enhancement of five lampposts on the street. The street mural component is consistent with BoulevArt Project guidelines developed by the Department of Environmental Services.

NCS submitted an application to the City to be awarded the FIS mini-grant and Northwest Quadrant Team funds for this project. The FIS mini-grant application requires a demonstration of community support. To this end, NCS included signatures of nearby neighbors as part of their application. In addition, the application was reviewed by the Dewey Driving Park FIS Stakeholder Team for approval prior to the award being made. NCS has also conducted door-to-door outreach to nearby neighbors to get input on the proposed designs.

While this request does not, by itself, exceed the \$10,000 threshold for Council authorization, other agreements with NCS do result in aggregate payment over \$10,000.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-125

Ordinance No. 2013-226
(Int. No. 255)

Authorizing An Agreement For The Dewey Driving Park FIS Area

BE IT 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 implement an art project and related community event in the Dewey Driving Park FIS Area.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$5,800, and of said amount, or so much thereof as may be necessary, \$1,800 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 2010-11 Community Development Block Grant and \$4,000 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. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 256.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-227 and

Ordinance No. 2013-228

Re: Dissolution of the Cultural Center
Commission and Transfer of Assets

Transmitted herewith for your approval is legislation relating to the dissolution of the Cultural Center Commission and transfer of assets to the City of Rochester. The Cultural Center Commission was created by approval of the New York State (NYS) Legislature in 1979 to implement the Cultural District Project and revitalize the area surrounding the Eastman Theater and Eastman School of Music.

In 1980, the City and County each authorized the issuance of \$8,935,000 in serial bonds in support of the Cultural District Project for a total source of funds of \$17,870,000. The Commission used these funds for property acquisition, demolitions, public improvements and construction of the 1,282 space East End Parking Garage. The Commission has fully implemented the Cultural District Plan, which included the Carlson MetroCenter YMCA, Grove Place Townhomes, Eastman Living Center, Miller Center, Symphony Terrace, and the Sagamore on East. The Commission sold their last development parcel (420 E. Main St.) to the University of Rochester in 2011. The last remaining property owned by the Commission is the East End Parking Garage.

On June 14, 2013, the Cultural Center Commission approved Resolution No. 4 of 2013 terminating the Commission and transferring all assets and obligations to the City and County of Monroe as required in the NYS enabling legislation. The City and County will terminate the following Agreements:

- City-County-Commission Cooperation Agreement
- City-County-Commission Parking Garage Agreement
- Commission-City Right-of-Way Reimbursement Agreement

The following actions require City Council approval:

1. Authorize the Mayor to enter into an Agreement with the County of Monroe to effectuate the transfer of real and personal property and assignment of rights and duties under any lease, agreement or other instrument of the Cultural Center Commission.
2. Accept the transfer of ownership of the East

End Parking Garage, 475 E. Main Street, to the City. Operation and security of the garage will be undertaken through current City garage contracts with Allpro Parking, LLC and AP Safety and Security.

- Amend the City Code, Section 111-118 Establishment and Designation of Parking Garages, to add the East End Parking Garage and establish the following parking rates for the Garage:

- \$72 per space for general monthly parking
- \$47 per space for monthly reserved residential
- \$36 per space for monthly residential
- \$41 per space for monthly student
- \$8 daily maximum Monday - Friday
- \$.75 per hour for students
- \$2 for the first two hours, \$2 each additional hour up to daily maximum rate
- \$7 special events
- \$2 evening/weekend rate

- Accept assignment from the Commission to the City of various agreements and leases associated with the East End Parking Garage, as follows:

- University of Rochester Parking Agreement
- Sagamore on East Comprehensive Parking Agreement
- T-Mobile Northeast LLC Lease Agreement
- Ber-National Automation Inc. Garage Revenue Control Equipment Maintenance Agreement
- YMCA Parking Agreement
- Eastman School of Music Parking Agreement

- Accept a total of \$3,397,299 in funds from the Commission as agreed to with the County. The County and the City have agreed to the following distribution of fund balances:

<u>Commission Fund</u>	<u>City</u>	<u>County</u>
<u>Balance</u>		
General		
\$ 18,314	\$ 9,157	\$ 9,157
Capital		
8,345	4,172	4,173
Garage Reserve		
2,762,890	2,762,890	0
Maintenance		
387,925	293,962	93,963

Sagamore Parking		
155,708	155,708	0
Reserved City		
171,410	171,410	0
Reserved County		
<u>141,114</u>	<u>0</u>	<u>141,114</u>
Total		
\$3,645,706	\$3,397,299	\$248,407

A majority of the funding is being transferred to the City in consideration of a multi-year rehabilitation project required for the garage. A total of \$2,660,000 of Commission proceeds from the General, Capital, Garage Reserve, and Maintenance Funds was included in the 2013-14 Budget of the Department of Environmental Services to partially support the \$4.1 million estimated cost of the first phase of rehabilitation.

The \$155,707 balance of the Sagamore Parking fund will also transfer to the City to be reserved for parking replacement. Per the Sagamore Comprehensive Parking Agreement, parking revenue collected from the Sagamore residents is held in a separate account and reserved specifically for replacement parking for Sagamore residents should the garage close permanently and another replacement garage not constructed.

- Appropriate \$45,000 in Commission proceeds to the Downtown Enhancement District fund to cover two years of the annual cost of maintenance and holiday lighting for Barrett Place. Barrett Place, a covered walkway, midblock between Swan and Gibbs Street, was constructed by the Commission in 1990. The maintenance of this walkway was undertaken by the City and funded by the Commission on an annual basis; the Commission also funded the purchase and installation of the holiday lighting. The amount for 2013-14 was anticipated and included in the Budget.

- Appropriate the balance of the Commission proceeds, \$536,592, for the Parking Fund to finance future phases of the garage rehabilitation.

- Accept assignment of the Purchase and Sales Agreement Option to Reacquire and Right of First Refusal of 420 E. Main Street with the University of Rochester. The Commission sold 420 E. Main Street to the University of Rochester in July 2011. The Purchase and Sales Agreement includes a provision allowing the Commission (or its assignee) to reacquire the property for the original sale price if development by the University does not commence within 5 years. The Sales and Purchase Agreement will be assigned to both the City and the County.

- Accept assignment of a \$1.5 million Sagamore on East, LLC Promissory Note from the Commission to the City. The Cultural Center Commission provided a \$1.5 million loan to the Sagamore on East, LLC for the develop-

ment of the Sagamore on East project. The loan funds were provided from the Commission's Garage Reserve Fund with the requirement that the loan proceeds be retained in the Garage Reserve Fund account. The Promissory Note will be assigned to the City. The note currently has a principal balance of approximately \$1,404,000. The note will mature in late 2020 with a balloon payment due of the remaining principal.

Approval from the Monroe County Legislature is required and is anticipated to be undertaken at their August meeting.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-227
(Int. No. 256, As Amended)

Authorizing The Dissolution Of The Cultural Center Commission And Amending The 2013-14 Budget And Ordinance No. 2013-89

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

Section 1. The Council hereby authorizes the Mayor to enter into an agreement with the County of Monroe to effectuate the transfer of real and personal property, and the assignment of rights and duties under any lease, agreement or other instrument, in order to effectuate the dissolution of the Cultural Center Commission.

Section 2. The Council hereby accepts ownership of the East End Parking Garage, 475 East Main Street, from the Cultural Center Commission.

Section 3. The Council hereby accepts the assignment from the Cultural Center Commission of all of the agreements and leases associated with the East End Parking Garage.

Section 4. The Council hereby approves the distribution of Cultural Center Commission funds as agreed upon with the County and accepts funds in the approximate amount of \$3,397,299 to be distributed to the City.

Section 3. The sum of \$45,000 is hereby appropriated to the Downtown Enhancement District Fund for maintenance of Barrett Place and district holiday lighting. The sum of ~~\$536,592~~ 524,392 is hereby appropriated to the Parking Fund to finance the East End Garage rehabilitation and the sum of \$12,200, or so much thereof as may be necessary, is hereby appropriated to fund audits of the Commission. Ordinance No. 2013-89, relating to audits of the City and City School District, is hereby amended to include audits of the Commission through its dissolution, in an amount not to exceed \$12,200. The Mayor is hereby further authorized, if necessary, to enter into an agreement with the County of Monroe to include its share of the audits in the agreement in an amount not to exceed \$12,200, which amount is appropriated from antic-

ipated reimbursements from the County.

Section 4. The Council hereby accepts funds from the Cultural Center Commission's Sagamore Parking Account totaling approximately \$155,708, which funds shall be reserved for parking replacement in accordance with the Sagamore on East - Commission Comprehensive Parking Agreement.

Section 5. The Council hereby accepts the assignment of a \$1.5 million Sagamore on East, LLC Promissory Note from the Cultural Center Commission.

Section 6. The Council hereby accepts the assignment, with the County of Monroe, of the Purchase and Sales Agreement Option to Reacquire and Right of First Refusal of 420 East Main Street with the University of Rochester.

Section 7. The Mayor is hereby authorized to enter into such agreements and to execute such other instruments as may be necessary to implement the actions authorized herein. The agreements and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2013-228
(Int. No. 257)

Amending The Municipal Code With Respect To The East End Garage

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

Section 1. Section 111-118 of the Municipal Code, Establishment and designation of parking garages, as amended, is hereby further amended by adding thereto the following new subsection I:

- I. The building located at 475 East Main Street, known as the "East End Garage," formerly owned by the Cultural Center Commission.

Section 2. Subsection A(1) of 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 adding the following new sentence to the end thereof:

There shall be a student rate of \$.75 per hour in the East End Garage, up to the daily maximum.

Section 3. Section 111-119 of the Municipal Code, as amended, is hereby further amended by adding thereto the following new subsection A(2):

- (2) There shall be an evening rate of \$2.00 at

the East End Garage, effective for entry after 5:30 p.m.

Section 4. Subsection A(4) of Section 111-119 of the Municipal Code, as amended, is hereby further amended by adding thereto the following new subsection (c):

(c) East End Garage: \$8.00.

Section 5. Subsection A(5) of Section 111-119 of the Municipal Code, as amended, is hereby further amended by adding the following new sentence to the end thereof:

There shall be a weekend rate of \$2.00 in the East End Garage when it is not designated for special events.

Section 6. Section 111-119 of the Municipal Code, as amended, is hereby further amended by relettering subsections A(6)(h) and (i) as A(6)(i) and (j), and by adding a new subsection A(6)(h) to read in its entirety as follows:

(h) East End Garage: \$72 for general parking, \$47 for reserved residential parking, \$36 for residential parking and \$41 for student parking.

Section 7. This ordinance shall take effect on approval of an agreement between the City and the County of Monroe terminating the Cultural Center Commission and transferring ownership of the East End Garage to the City.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-229
Re: Amending Ordinance No. 2012-247 -
Loan Agreement, Harris Park
Apartments

Transmitted herewith for your approval is legislation related to the Harris Park Apartments project being undertaken by Conifer Realty and located at 72-136 Floverton Street. This legislation will:

1. Amend Ordinance No. 2012-247 (amended via Ord. No. 2012-328) which authorized a loan agreement with Harris Park/Winton Associates, LLC or an entity to be formed by Conifer Realty for development of the Harris Park apartments at 72-136 Floverton Street to increase the amount of the loan from \$300,000 to \$500,000 to be used for acquisition and permanent financing.
2. Appropriate \$200,000 from the Affordable Housing Fund allocation of the Housing Development Fund of the 2013-14 HOME Program to fund the additional loan amount.

The terms of the loan will remain as presented in Ordinance No. 2012-247 - a term of 20 years with annual 1% interest-only payments, and principal

due at the end of the term.

It has been the intent of the City to provide a loan totaling \$500,000 for construction and permanent financing of the project. The initial \$300,000 was to be paid out at acquisition, to pay for preliminary rehabilitation costs and permanent financing. The subsequent \$200,000 was to be used toward more substantial rehab after the developer secured tax credits.

However, it has been determined that sequencing the loan in two stages is not consistent with HUD guidelines, which do not allow additional investment into the property after the project has been completed. All federal funds must be invested at the same time.

A condition of the City funds is that the project will be substantially rehabilitated. To finance the cost of this rehabilitation, Conifer will seek assistance through the New York State tax credit program. If Conifer fails to secure such funding from the State and complete substantial rehab at the location within five years, they will be required to repay the full amount of the loan.

The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to the legal requirements for tax credits and for the Project.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-229
(Int. No. 2013-258)

Amending Ordinance No. 2012-247 Relating To A Loan For The Harris Park Apartments Project

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

Section 1. Ordinance No. 2012-247, as amended by Ordinance No. 2012-328, relating to a loan agreement for the substantial rehabilitation of housing at 72-136 Floverton Street as the Harris Park Apartments Project, is hereby amended by increasing the amount of the loan by the sum of \$200,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2013-14 HOME Program. The terms and conditions of the loan shall remain the same. If substantial rehabilitation is not complete within five years, the full amount of the loan shall be due.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-230
Re: Agreement - Center for Dispute
Settlement, Hearing Officer Services

Transmitted herewith for your approval is legislation establishing maximum compensation of \$13,125 for an agreement with the Center for Dispute Settlement Inc. (CDS) to provide hearing officers for the City's demolition program. The cost of the agreement will be funded from the 2013-14 Budget of the Department of Neighborhood and Business Development (NBD).

When privately-owned structures are identified for demolition, a hearing is required to be held before the demolition can be authorized. A demolition hearing involves presentation from the City of its rationale for proposing to demolish the structure, and provides an opportunity for property owners to present a work plan for bringing the property into code compliance to avoid the demolition and associated fines.

An impartial, third-party hearing officer listens to testimony presented at the hearing and renders a written decision. Those hearing findings are the legal basis for further action, including demolitions that the City may undertake.

The Center for Dispute Settlement has provided hearing officers for this purpose since 2010. During 2013-14, the City will pay CDS \$175 for each property over which they preside as hearing officer. This is the same amount charged during 2012-13. The requested funding will permit the CDS to conduct 75 demolition hearings during 2013-14.

This agreement will have a term of one year with an option to renew for an additional year.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-126

Ordinance No. 2013-230
(Int. No. 259)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Hearing Officer Services For City Demolitions

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

Section 1. The sum of \$13,125, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of hearing officer services relating to the City demolition program for a term of one year, with a one-year renewal option. Said amount shall be funded from the 2013-14 and 2014-15 Budgets of the Department of Neighborhood and Business Development, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-231 and
Ordinance No. 2013-232
Re: Official Map Amendment, Lease
Agreements - 242 West Main Street

Transmitted herewith for your approval is legislation related to the creation of accessory parking for 242 West Main Street, now known as Bridge Square (formerly Josh Lofton). The owner, Bridge Square Building LLC, will use the area adjacent to the building for parking.

The area proposed for parking is bounded by Oak, West Main, and West Broad Streets, and is comprised of three parcels. One parcel is a portion of West Broad Street that is proposed to be abandoned; two parcels are owned by the New York State Department of Transportation (NYSDOT) and are referred to as NYS Transportation Map 1243, Parcel 1258, and Map 1244, Parcel 1259. The attached illustration outlines the City and New York State parcels. This legislation will:

1. Amend the Official Map by abandoning a portion of West Broad Street between Oak Street and West Main Street.
2. Authorize the donation of a permanent easement to the State of New York over the portion of West Broad Street to be abandoned.
3. Authorize the following lease agreements:
 - a. A lease by the City of the two NYSDOT parcels at a cost of \$175 per month.
 - b. A sublease of those two parcels from the City to Bridge Square Building LLC at a cost of \$175 per month.
 - c. A lease from the City to Bridge Square Building LLC of the abandoned portion of West Broad Street between Oak Street and West Main Street at a cost of \$175 per month.

The lease amount for the New York State parcel was determined by an appraisal conducted by the NYSDOT. The City is using the State appraisal as the basis for the lease amount of the City parcel.

The property at 242 W. Main Street, formerly operated by the School District as Josh Lofton School, was sold to Bridge Square Building LLC in November 2011 as per Ordinance No. 2011-140. The portion of West Broad Street to be abandoned lies directly beneath the Interstate 490 overpasses and was used by the District via a right-of-way permit from the State. Although not an open City street, its status remains as a legal street. The abandonment will permit the leasing of this area to Bridge

Square.

The abandonment of West Broad Street between Oak Street and West Main Street was recommended by the Planning Commission at its December 2012 meeting, with the condition that a permanent easement be granted to the State for highway purposes, as required by the State. The City will continue to own fee title to the area. The minutes and recommendation from that meeting are attached.

The lease will not impair the City's use of the Broad Street tunnel, or NYS's use of the I-490 overpasses. The lease to Bridge Square will have a term of 30 years and will be cancellable by NYS-DOT for any reason on 30 days' notice, or on 10 days' notice for cause. Lease rates will be reviewed every 5 years for consideration of adjustments.

A public hearing is required for the abandonment.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-127

Ordinance No. 2013-231
(Int. No. 260)

Amending The Official Map By Abandonment Of A Portion Of West Broad Street Between Oak Street And West Main Street And Authorizing An Easement

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 between Oak Street and West Main Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being Parcel No. 273 of the Abandoned Erie Canal Lands, as filed in the Monroe County Clerk's Office in Liber 51 of Maps, Page 12, and more particularly bounded and described as follows: Beginning at the intersection of the northerly ROW line of West Main Street (ROW Varies) and the northeasterly ROW line of West Broad Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) S 65°36' 32" W, along said northerly ROW line of West Main Street, a distance of 128.24 feet to the southwesterly ROW line of said West Broad Street; thence
- 2) N 64°22'43" W, along said ROW line of West Broad Street, a distance of 303.16 feet to the easterly ROW line of Oak Street (64' ROW); thence

- 3) N 01°57'57" W, along said ROW line of Oak Street, a distance of 101.90 feet to the said northeasterly ROW line of West Broad Street; thence
- 4) S 63°22'12" E, along said ROW line of West Broad Street, a distance of 265.32 feet to a point; thence
- 5) S 75°02'37" E, continuing along said ROW line, a distance of 70.15 feet to a point; thence
- 6) S 64°17'37" E, continuing along said ROW line, a distance of 98.55 feet to the said northerly ROW line of West Main Street, being the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 0.762 Acres, more or less, all as shown on a map entitled "West Broad Street – West Main Street to Oak Street", dated March 21, 2012, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the same premises conveyed to the City of Rochester by the State of New York by Letters Patent filed in Liber 1171 of Deeds, Page 227.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with conditions established by the City Planning Commission in its recommendations of December 17, 2012.

Section 3. The Council hereby approves the granting by the City to the State of New York of a permanent easement for highway purposes over the portion of the abandonment area necessary for the I-490 overpasses, to read as follows:

All that tract or parcel of land, being part of Town Lot 50, Township 1, Short Range of Townships, west of the Genesee River, Phelps And Gorham Purchase, situate in the City of Rochester, County of Monroe, State of New York and more particularly bounded and described as follows:

Beginning at a point on the northerly ROW line of the existing West Main Street, intersecting with the southwesterly line of former West Broad Street, said intersection being the Point or Place of Beginning and being southerly 13'± measured at right angles from Baseline Station 0+08± of the hereinafter described 2012 baseline for the conveyance of the City of Rochester property; thence

- 1) Northwesterly 303'±, along the said southwesterly line of former West Broad Street and the northerly line of New York State Department of Transportation Map 1244, Parcel 1259 and Map 1243, Parcel 1258, to a point of intersection of the east ROW line of Oak Street and the southwesterly line of the former West Broad Street and now or formerly lands of the City of Rochester, said

point being northerly 58'± measured at right angles from Baseline Station 3+02±; thence

- 2) Northerly, along said easterly ROW line of Oak Street, 102'± to a point being northerly 157'± measured at right angles from Baseline Station 3+27±, also being the southwest corner of New York State Department of Transportation Map 1239, Parcel 1249; thence
- 3) Southeasterly, a distance of 265'± along the northeasterly line of former West Broad Street, now or formerly lands of the City of Rochester, to a point, said point being northerly 90'± measured at right angles from Baseline Station 0+70±; thence
- 4) Southerly, crossing former West Broad Street, now or formerly lands of the City of Rochester, 121'± to the Point or Place of Beginning, being 24,851 square feet, or 0.571 acres, more or less.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-232
(Int. No. 261)

Authorizing Lease Agreements For Parking At West Broad Street, Oak Street And West Main Street

WHEREAS, the City of Rochester has received a proposal for the lease of the abandoned portion of West Broad Street and the sublease of a parcel leased by the City from the New York State Department of Transportation to Bridge Square Building LLC for a term of thirty years for parking use; 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 sublease; and

WHEREAS, the appraisal of the independent consultant has been reviewed on the value of the lease and sublease, and the term of the lease and sublease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease and sublease, as the lease and sublease will provide needed parking for the redevelopment of the former Josh Lofton School building at 242 West Main 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 agreements with Bridge Square Building LLC for the lease of the abandoned portion of West Broad Street, and the sublease of a parcel leased by the City from the New York State Department of Transportation bounded by West Broad Street, Oak Street and West Main Street, for parking use for a

term of thirty years. The lease and sublease agreement shall obligate Bridge Square Building LLC to pay monthly rent to the City in the amount of \$175 for each parcel, for a total of \$350 per month. If the State increases the rent on the State parcel, the rent for the sublease and the rent for the abandoned portion of West Broad Street shall both increase by the same amount. The agreements shall be terminable by the City on 30 days' notice, or 10 days' notice for cause if the City is so notified by the New York State Department of Transportation.

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for the lease of a parcel bounded by West Broad Street, Oak Street and West Main Street, for ongoing parking use. The lease agreement shall obligate the City to pay monthly rent in the amount of \$175, which amount shall be funded from the annual budgets, subject to their approval. The State may review and revise the rent through an appraisal at any time, but at least once every 5 years. The agreement shall be terminable on 30 days' notice, or 10 days' notice for cause.

Section 3. The lease and sublease 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. 2013-233
Re: 2012 Lead Hazard Control
Grant Program

Transmitted herewith for your approval is legislation authorizing the appropriation of a total of \$225,000 from the Lead Hazard Reduction allocation of the Housing Development Fund of the 2012-13 (\$25,000) and the 2013-14 (\$200,000) Community Development Block Grants to support the Lead Hazard Control Program. These funds will be used to provide assistance to eligible property owners for minor rehabilitation to address lead and other environmental health hazards.

The receipt of the latest round of federal funding in the amount of \$3 million for the program was authorized via Ordinance No. 2012-288. That amount, in addition to the City match of \$1,137,441, is being used over the three-year life of the grant to produce 220 units of lead-safe housing by May 2015. Ordinance No. 2012-288 also authorized agreements with NeighborWorks Rochester and Action for a Better Community to provide related application and intake services.

The program is currently fully enrolled; no additional intake services are required. To date, a total of 208 units have been identified: 12 have been completed; 146 have been approved and are in progress; 50 have been, or are about to be, submit-

ted by the intake agencies to the City for approval. Funds are being reserved to address 12 units for lead-poisoned children referrals from the Monroe County Department of Public Health.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2013-233
 (Int. No. 281)

Appropriating Funds And Authorizing Agreements For The Lead Hazard Control Program

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

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Lead Hazard Reduction Account) of the 2013-14 Community Development Block Grant, to fund the Lead Hazard Control Program.

Section 2. The sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Lead Hazard Reduction Account) of the 2012-13 Community Development Block Grant, to fund the Lead Hazard Control Program.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Lead Hazard Control Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-234
 Re: Amending the 2013-14 Consolidated
 Community Development Annual
 Action Plan

Transmitted herewith for your approval is legislation relating to the 2013-14 Consolidated Community Development Annual Action Plan, authorized in June 2013 (Ord. No. 2013-188). The Consolidated Plan and companion legislation submitted in June were based on estimated allocation amounts. Subsequently, HUD has notified the City of its actual 2013-14 allocations for the Community Development Block Grant, HOME, Emergency Solutions Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) programs. This legislation will:

1. Amend the 2013-14 Consolidated Community Development Plan/Annual Action Plan to reflect increases to the allocation amounts for HOME, CDBG and HOPWA, and a decrease in the funding available for ESG.

<u>Program</u>	<u>Planned</u>	<u>Actual</u>	<u>Difference</u>	<u>Additional # To be Served</u>
HOME Allocation	\$1,773,800	\$1,897,548	\$123,748	
CHDO	\$266,070	\$284,633	\$18,563	N/A
Affordable Housing	\$751,139	\$843,950	\$92,811	3 Housing Units
Administration	\$179,380	\$191,754	\$12,374	N/A
CDBG Allocation	\$7,447,133	\$8,198,055	\$750,922	
FIS	\$1,709,427	\$1,859,611	\$150,184	9 Housing Units
ED Loans and Grants	\$750,000	\$950,000	\$200,000	1-3 businesses, 6 jobs
Housing Repair Programs	\$826,615	\$1,227,353	\$400,738	16 Housing Units
ESG Allocation	\$717,200	\$571,885	\$(145,315)	
ESG Admin	\$53,790	\$42,891	\$(10,899)	N/A
HOPWA Allocation	\$657,000	\$657,405	\$405	
AC Center d/b/a AIDS Care	\$395,130	\$395,535	\$405	N/A

2. Appropriate additional funds as follows:

- a. \$18,563 in HOME funds for Community Housing Development Organizations (CHDO)
 - b. \$200,000 in CDBG funds for Economic Development Financial Assistance Loan and Grant programs
 - c. \$405 in HOPWA funds for AC Center d/b/a AIDS Care
3. Authorize a start date of July 1, 2013 for agreements approved via Ord. Nos. 2013-180 through 185.

A public hearing on the substantial amendment to the Consolidated Community Development Plan 2013-14 Annual Action Plan is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-234
(Int. No. 262)

Amending The Consolidated Community Development/2013-14 Annual Action Plan

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

Section 1. The Council hereby approves a substantial amendment to the Consolidated Community Development Plan/2013-14 Annual Action Plan in order to accommodate changes in the available Federal funds. An additional \$123,748 is allocated in HOME funds as follows: CHDO - \$18,563; Affordable Housing - \$92,811; Administration - \$12,374. An additional \$750,922 is allocated in Community Development Block Grant funds as follows: FIS - \$150,184; ED Loans & Grants - \$200,000; Housing Repair Programs - \$400,738. The Emergency Solutions Grant allocation is reduced by \$145,315, of which \$10,899 is for Administration. The Housing Opportunities for Persons with AIDS allocation is increased by \$405.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Home Rochester Account) of the 2013-14 HOME Program the sum of \$18,563, or so much thereof as may be necessary, to fund housing development subsidies through the Home Rochester Program for Community Housing Development Organizations (CHDOs), which shall be added to the funding appropriated in Section 3 of Ordinance No. 2013-181.

Section 3. There is hereby appropriated from the ED Financial Assistance Loan & Grant Programs account of the Promoting Economic Stability Objective of the 2013-14 Community Development Block Grant the sum of \$200,000, or so much thereof as may be necessary, to fund the ED Financial Assistance Loan & Grant Programs, which shall be added to the funding appropriated in Section 1 of Ordinance No. 2013-180.

Section 4. There is hereby appropriated from the Promote Housing Choice Fund's 2013-14 Housing Opportunities for Persons With AIDS grant the sum of \$405, or so much thereof as may be necessary, to fund the agreement with AC Center d/b/a AIDS Care, which shall be added to the funding authorized and appropriated in Ordinance No. 2013-183.

Section 5. Agreements authorized under the Consolidated Community Development Plan/2013-14 Annual Action Plan may have a start date of July 1, 2013. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

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.

Nay - None - 0.

Councilmember Haag abstained because of familial relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-235 and
Ordinance No. 2013-236

Re: Amending the Zoning Code - CityGate
Planned Development District #11

Transmitted herewith for your approval is legislation amending the City Zoning Text and Map to accommodate changes to Planned Development District #11 - CityGate as follows:

- 1. Amend Chapter 120 of the Zoning Code to include new regulations for the PD #11 CityGate Planned Development District, and approving the revised Development Concept Plan/Site Plan for the District.
- 2. Amend the Zoning Map by rezoning the parcel at 445 Westfall Road from PD #11 to R-3/O-B (High Density Residential with Overlay Boutique).

The CityGate Planned Development (PD) District was established in 2010 (Ord. No. 2010-427) to provide a diverse and complementary mix of residential, nonresidential, and recreational uses on 44 acres on the southeast quadrant of the intersection of E. Henrietta Road and Westfall Road. The district was intended to ensure a high-quality mixed-use-style development that promoted pedestrian access and connectivity, multimodal transportation opportunities, dedicated open-space areas for residents and visitors, and enhanced access to the Erie Canal and the waterfront. The development was to provide places to live, stay, eat, and shop in urban village context.

The amendment is proposed by Anthony Costello,

owner of a portion of the site. Monroe County is the other impacted owner. The amended CityGate PD District will continue to include a range of residential, nonresidential and recreational uses. However, the amended district will accommodate a revised Development Concept Plan (DCP) proposed by the developer. The new plan:

- Includes three distinct subareas for development: Perimeter Commercial, Central Commercial and Canal Front Mixed Use;
- Adds a large scale (approximately 150,000 square feet) retail use. The City received a site plan review application on June 17, 2013 for a proposed Costco Store at this location;
- Expands mixed-use development along the Canal;
- Includes an open space amenity at the corner of Westfall and E. Henrietta Road which will save several of the mature sycamore trees.

CityGate includes properties at 401 and 445 Westfall Road; and 350, 422, 444 and 450 E. Henrietta Road. The revised plan does not include the property at 445 Westfall Road. Therefore, City staff recommend that it be removed from the PD boundary and rezoned to R-3/O-B to be consistent with the adjacent property which was rezoned by City Council earlier this year.

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 Type I. The Director of Planning and Zoning, as lead agency, has issued a Negative Declaration.

The Planning Commission held an informational meeting on June 17, 2013. Ten people spoke in support, and no one spoke in opposition. By a vote of 4-0, the Commission recommended approval of the new district and corresponding regulations with the following modifications:

- Separate the list of uses by subarea;
- Enhance the list of prohibited uses in each subarea.

Since the Planning Commission Hearing, several meetings have been held between City Staff and Mr. Costello and his representatives. As a result of these meetings, several changes have been made to the Development Concept Plan and its corresponding regulations that will have a positive impact on the proposed CityGate development. These changes include:

- Improved design regulations for the Perimeter Commercial District in particular, and the entire District as a whole;
- Restrictions on drive-through uses in the Perimeter Commercial District;
- A more flexible Development Concept Plan

that will rely on the Site Plan Review Process to ensure high quality incremental development.

The regulations will take effect immediately upon Council approval.

A public hearing on the zoning map and text amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-128

Ordinance No. 2013-235
(Int. No. 298)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending The Development Concept Plan For CityGate, Planned Development District No. 11

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending the Development Concept Plan for Planned Development District No. 11 - CityGate, to read in its entirety as follows:



Development Concept Plan

Planned Development District No. 11: CityGate

A. Purpose.

The purpose and intent of Planned Development District No. 11 (PD No. 11), to be known as “CityGate,” is to accommodate and facilitate the development of a range of diverse residential, nonresidential and recreational uses in a District setting, on 44 acres on the southeast quadrant of East Henrietta Road and Westfall Road, on the northern edge of the Erie Canal in accordance with the CityGate Development Concept Plan, incorporated herein, and provide the following design standards and guidance that also further the purpose and intent of the District:

- (a) To ensure a high-quality mixed-use-style development that promotes pedestrian access and connectivity, multimodal transportation opportunities, a variety of retail and commercial uses, both large and small, and enhanced access to the Erie Canal and waterfront;
- (b) To create a flexible regulatory environment that is adaptable to changing market conditions;
- (c) To promote strong unifying elements in the form of district wide pedestrian and vehicular elements that will provide access to all users; integrated and extensive landscaping features, walkways, site amenities and lighting systems that provide for District cohesion and identification while helping to blend the District with its surrounding area.

B. Objectives.

- (1) To offer a diverse mix of residential and nonresidential development opportunities, including housing, retail, restaurant, office, hotel, and recreational uses that reinforce the City of Rochester’s position as the economic center of the county and region;

- (2) To capitalize on the project site's strategic location along I 390 at the southern edge of the City, providing easy access from the entire metropolitan area, and proximity to a number of large community service uses and employment centers including, Monroe Community Hospital, Monroe Community College, the University of Rochester and, the Rochester Science Park;
- (3) To provide places to live, places to work, places to conduct business, places for lodging, places to eat, places to buy groceries, and places to shop for a wide range of everyday and specialty goods for employees, students, and visitors of the aforementioned institutions, employment centers, and businesses, as well as existing residents of the City and future residents of CityGate;
- (4) To create a community mixed use center with regional appeal.

C. Subarea Descriptions.

The development concept plan divides the PD into three subareas, and shows in its entirety, the basic scope, character and nature of PD No. 11. The plan is conceptual in nature, except as further defined by the development concept plan regulations identified herein. It reflects the general location of residential and nonresidential structures, vehicular and pedestrian circulation elements and, public and private open space. The three subareas are described below:

- (1) Central Commercial Subarea. This subarea is approximately 13.3 acres and accommodates large scale retail, auto services, parking, and commercial uses as well as utility facilities.
- (2) Canal Front Mixed Use Subarea. This subarea is approximately 16.4 acres and promotes development of recreational, residential, office, retail, restaurant and hotel uses in addition to enhanced access to the Erie Canal, in a pedestrian scaled urban setting.
- (3) Perimeter Commercial Subarea. This subarea is approximately 14.6 acres and accommodates and promotes development of commercial uses adjacent and proximate to the public rights of way along both East Henrietta Road and Westfall Road. Mixed use development is allowed in this subarea. The corner of E. Henrietta Rd. and Westfall Rd. is the primary focal point and gateway into the District and will include a public open space amenity.

D. Permitted Uses.

- (1) Central Commercial Subarea
 - (a) All uses are permitted in fully enclosed buildings unless specifically listed as prohibited or as special permit uses; except, outdoor seating and dining areas

and outdoor retail sales display areas, accessory to permitted uses, and the retail dispensing or sales of automobile fuels, shall be permitted.

- (b) Utility Stations.
 - (c) Drive-through uses.
 - (d) Temporary uses subject to the requirements listed in Section 120-149.
- (2) Canal Front Mixed Use Subarea
 - (a) All uses are permitted in fully enclosed buildings unless specifically listed as prohibited or special permit uses, except outdoor seating and dining areas, accessory to permitted uses, shall be permitted.
 - (b) Pump stations for boats and watercraft.
 - (c) Fishing and boating docks.
 - (d) Parking garage and transit center.
 - (e) Public open spaces.
 - (f) Temporary uses subject to the requirements listed in Section 120-149.

(3) Perimeter Commercial Subarea

- (a) All uses are permitted in fully enclosed buildings, unless specifically listed as prohibited or special permit uses; except outdoor seating and dining areas shall be permitted.
- (b) Ancillary Parking lots with landscaping.
- (c) Public open spaces.
- (d) Temporary uses subject to the requirements listed in Section 120-149.

E. The following uses are prohibited in the:

- (1) Central Commercial Subarea
 - a) Single-family detached structures.
 - b) Sexually Oriented Uses.
 - c) Waste Centers.
 - d) Junkyards.
 - e) Homeless shelters.
 - f) Residential care facilities.
 - g) Rooming houses/single-room occupancy facilities.
 - h) Amusement Centers.
 - i) Warehouse and Wholesale Distribution

- Facilities.
- j) Industrial Uses.
 - k) Research Laboratories, including Testing Facilities.
 - l) Car Washes.
 - m) Vehicle Repair.
 - n) Vehicle Sales Areas.
 - o) Vehicle Wrecking.
 - p) Vehicle Storage Area, not including accessory parking lots and garages.
 - q) Truck Centers.
 - r) Parking Lots as a Principal Use.
 - s) Pawnbrokers.
 - t) Hospitals.
 - u) Funeral Homes and Mortuaries.
 - v) Self Storage Facilities.
- (2) Canal Front Mixed Use Subarea
- a) Single-family detached structures.
 - b) Sexually Oriented Uses.
 - c) Waste Centers.
 - d) Junkyards.
 - e) Homeless shelters.
 - f) Residential care facilities.
 - g) Rooming houses/single-room occupancy facilities.
 - h) Amusement Centers.
 - i) Warehouse and Wholesale Distribution Facilities.
 - j) Industrial Uses.
 - k) Research Laboratories, including Testing Facilities.
 - l) Car Washes.
 - m) Vehicle Repair.
 - n) Vehicle Sales Areas.
 - o) Vehicle Wrecking.
 - p) Vehicle Storage Area, not including accessory parking lots and garages.
 - q) Truck Centers.
 - r) Parking Lots as a Principal Use.
 - s) Pawnbrokers.
 - t) Hospitals.
 - u) Funeral Homes and Mortuaries.
 - v) Self Storage Facilities.
 - w) Drive-thru facilities, when not accessory to a building.
- (3) Perimeter Commercial Subarea
- a) Single-family detached structures.
 - b) Sexually Oriented Uses
 - c) Waste Centers.
 - d) Junkyards.
 - e) Homeless shelters.
 - f) Residential care facilities.
 - g) Rooming houses/single-room occupancy facilities.
 - h) Amusement Centers.
 - i) Warehouse and Wholesale Distribution Facilities.
 - j) Industrial Uses.
 - k) Research Laboratories, including Testing Facilities.
 - l) Car Washes.
 - m) Vehicle Repair.
 - n) Vehicle Sales Areas.
 - o) Vehicle Wrecking.
 - p) Vehicle Storage Area, not including accessory parking lots and garages.
 - q) Truck Centers.
 - r) Parking Lots as a Principal Use.
 - s) Pawnbrokers.
 - t) Hospitals.
 - u) Funeral Homes and Mortuaries.
 - v) Self Storage Facilities.
 - w) Drive-thru facilities, when not accessory to a building.
- F. The following uses, unless otherwise expressly permitted or prohibited in a subarea, are specially permitted in PD No. 11:

- (1) Any permitted or specially permitted use open to the public or requiring loading/unloading between the hours of 2:00 a.m. and 6:00 a.m.
- (2) Private clubs.
- (3) Indoor and outdoor entertainment, not including sexually oriented uses, subject to the additional requirements for specified uses in § 120-137.
- (4) Outdoor markets.
- (5) Wind energy conversion systems.
- (6) Drive through facilities in the Perimeter Commercial Subarea, and only when located in the rear yard of buildings that front on perimeter streets; except that the City Planning Commission may waive this location requirement in its consideration of any individual special permit application.

G. Lot and coverage requirements.

- (1) The maximum district lot coverage permitted in PD No. 11, including all building structures, streets, parking areas, sidewalks and improved surfaces, is 80%. The minimum district green space required, including storm retention facilities and all landscaped areas, is 20%.
- (2) Yard requirements in the Central Commercial Subarea.
 - (a) Minimum front yard setback: zero feet.
 - (b) Minimum side yard setback: zero feet, with a minimum setback for parking lots of 10 feet.
 - (c) Minimum rear yard setback: zero feet.
- (3) Yard requirements in the Perimeter Commercial Subarea.
 - (a) Build to line along perimeter streets: 20 feet.
 - (b) Maximum setback on secondary entries: 20 feet.
 - (c) Minimum side yard setback: zero feet, with a minimum setback for parking lots of 10 feet.
 - (d) Minimum rear yard setback: zero feet, with a minimum setback for parking lots of 10 feet.
- (4) Yard requirements in the Canal Front Mixed Use Subarea.
 - (a) Minimum canal side (front) setback: 10 feet, except for vehicular and pedestrian circulation elements.

- (b) Minimum front yard setback: zero feet.
- (c) Minimum side setback: zero feet.
- (d) Minimum rear yard setback: zero feet.

H. District Bulk requirements.

- (1) Building heights.
 - (a) Canal Front Mixed-Use Subarea: Maximum building height, five stories or 80 feet, whichever is greater.
 - (b) All other Subareas: No maximum restrictions on building height.
 - (c) The minimum height requirement in the Perimeter Commercial Subarea shall be 20 feet.
- (2) Floor Area.
 - (a) The minimum building floor area in the Perimeter Commercial Subarea shall be 5,000 sq. ft.
 - (b) There shall be no minimum floor area required in other subareas.

I. District Off-street parking and loading.

- (1) Parking.
 - (a) Supply.

The parking supply for PD No. 11 shall be established at a maximum cap of 2,100 spaces, including approximately 365 spaces in the Central Commercial Subarea, 1,007 in the Canal Front Mixed Use Subarea, and 738 in the Perimeter Commercial Subarea. Parking established beyond this threshold requires a parking demand analysis in accordance with § 120-173B of the Zoning Code.

- (b) Design and maintenance.

- [1] Parking shall comply with the parking lot design and maintenance standards set forth in § 120-173F, with the exception that parking areas shall be permitted adjacent to residential uses.
- [2] Surface parking lots shall be located behind newly constructed buildings in the Perimeter Commercial Subarea, and in no case between the front of a newly constructed building located in the Perimeter Commercial Subarea and the public rights of way. In the Perimeter Commercial Subarea, when properly set back and landscaped, existing parking lots in the front yards of existing build-

ings may be maintained.

- [3] Street parking shall be provided along the front of all mixed use buildings in the Canal Front Mixed Use Subarea.
- [4] Streets shall be hard surfaced with granite or concrete curbing.

- (2) Loading and service areas. Loading shall comply with the requirements set forth in § 120-172.

J. Design regulations.

(1) Architecture.

(a) Central Commercial Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] At least 50% of the exterior elevation building materials shall be brick, wood, dimensional natural stone, or finished (tinted, textured) masonry units. Predominant exterior building material should not include smooth-faced concrete block, or prefabricated steel panels.
- [3] Buildings with a facade exceeding 100 feet in length shall have repeating wall recessions or projections in order to provide visual articulation.
- [4] Buildings should have architectural features and patterns that provide visual interest, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character.
- [5] Building facades must include a repeating pattern that should include color change, texture change and material module change.
- [6] Parapets or other architectural features shall be used to conceal rooftop mechanical equipment.
- [7] The following architectural elements shall be integrated into the design of buildings:
 - [a] Portico or canopy.
 - [b] Raised corniced parapet over the entrance.
 - [c] Vertical entry feature.

- [d] Facade articulation with vertical elements.
- [e] Covered entrance.
- [f] Facade subdivision into proportional bays.
- [g] Display windows.

(b) Canal Front Mixed Use Subarea.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] Appropriate building materials include brick, natural or synthetic stone, integrally colored stucco and hardboard siding. Exterior building material should not include smooth-faced concrete block, or prefabricated steel panels.
- [3] At least 25% of the exterior elevation building materials shall be textured brick or decorative stone.
- [4] The following architectural elements shall be integrated into the design of buildings:
 - [a] Balconies.
 - [b] Rigid frame or fabric awnings, where there are awnings.
 - [c] Covered entrances and arcades.
 - [d] Clearly defined, visible entrances which maintain the proportional scale of the building.
 - [e] Articulation of wall surface materials and colors.
 - [f] Large facades divided into modules to create smaller sections.
 - [g] Pop outs and projections.
 - [h] Varying roof heights and wall planes.

(c) Perimeter Commercial Area

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] At least 50% of the exterior eleva-

tion building materials shall be brick, dimensional natural stone, or finished masonry units. Exterior building material may not include smooth-faced concrete block, tilt up concrete panels or prefabricated steel panels.

- [3] The following architectural elements shall be integrated into the design of buildings:
- [a] Rigid frame or fabric awnings, where there are awnings.
 - [b] Covered entrances.
 - [c] Facade articulation with vertical elements incorporating features that contribute to the creation of a pedestrian-friendly environment both along the public rights of way as well as within the District and its internal pedestrian circulation elements.
 - [d] Large glazed facade at main entrance, making it visible from the street or main site access.
 - [e] Articulation of building materials defining base, middle and top or base and top.
 - [f] Facade subdivision into proportional bays.
 - [g] Variations of rooflines.
 - [h] Decorative parapets and cornices.
- (2) Signage.
- (a) Signage shall be considered as a unifying element that gives the district recognition as well as cohesion. While signs will be a strong unifying element of the district, consideration should be given to creative approaches for individual uses.
 - (b) Identification signs at entry points to the district and way finding signage at decision nodes within the district shall also be employed for directional as well as unifying elements.
 - (c) All signage within PD No. 11 shall be subject to a sign program, subject to minor site plan review and approval by the Director of Planning and Zoning in accordance with § 120-191 of the Zoning Code.
- (3) Screening.
- (a) All mechanical equipment shall be

designed to be an integral part of the building or structure. Mechanical equipment, including heating, electrical, and air conditioning, or other shall not be installed on the roof of any building if the roofline is visible from the ground level within this district or from the grade of the perimeter public streets. Mechanical equipment shall be screened so as to diminish its visibility from ground level.

- (4) Landscaping.
- (a) Landscaping shall be considered a major integral part of district design and as a unifying element that gives the district recognition, character and cohesion.
 - (b) Plant material will be used to define and help create a sense of entry into the district.
 - (c) A distinctive overall landscape plan shall be developed for the district that not only beautifies the district, and defines vehicular and pedestrian circulation elements, but also draws the district together as a single, definable place, while accommodating a diversity of uses.
- (5) Site and street design standards.
- (a) CityGate will be a development of high-quality buildings organized by a logical, coherent network of internal streets (public or private); perimeter streets (E. Henrietta Rd. & Westfall Rd.); and green spaces. A person entering the site will be able to easily navigate the network of streets from any perimeter location to the bank of the canal and canal trail. Street types shall be as follows: boulevard, secondary streets, street of shops, canal front, transit loop, Westfall entrance.
 - (b) All streets will emphasize pedestrian amenities, including:
 - [1] Sidewalk widths corresponding to expected pedestrian traffic, so that streets that are corridors through the site will have smaller sidewalk widths (no less than 5 feet in width) and streets that feature ground-level retail will have wider sidewalks (at least 8 feet in width).
 - [2] Sidewalk paving material (exposed aggregate, colored concrete, bricks, and concrete unit pavers). Stamped concrete or stamped asphalt will be avoided due to concerns over the longevity of a high-quality finish.
 - [3] Curbing, trees, street furniture, and

pedestrian-scale lighting.

- [4] Streets in the Canal Front Mixed Use Subarea shall include on-street parking and have vehicular travel lanes no wider than 13 feet. The streets will have a cross-sectional height to width ratio of no greater than 1:3. The height-to-width ratio of the street shall be measured from building front to building front.
- [5] Streets in the Canal Front Mixed Use Subarea shall be lined with, and framed by, buildings that present an active facade that engages pedestrians.
- [6] Streets in the Central Commercial Subarea will be public or private vehicular ways, no wider than 24 feet unless on-street parking is provided.
- [7] Development along the perimeter streets, East Henrietta Road and Westfall Road, shall present an attractive and welcoming image of the new development to the adjacent public rights-of-way and surrounding neighborhood. The perimeter streets shall be treated in the following ways:
 - [a] Retain or add formal landscaping, such as an allée of trees and/or hedges. Informal massed plantings and/or berms shall not be permitted.
 - [b] Perimeter streets shall have buildings that present an active facade to the perimeter streets as well as to secondary entries.
 - [c] In no case shall garage doors, loading docks or doors, or dumpster enclosures be located along perimeter streets.
 - [d] In no case shall parking lots, garage doors, loading docks or doors, service entrances, drive through stacking lanes, or dumpster enclosures face secondary entries without the required screening.
 - [e] Overhead utilities along perimeter streets shall be placed underground in conjunction with this project's development.
 - [f] Gaps between buildings and along parking lots facing perimeter streets shall include

walls of enclosure, no higher than 3 feet, integrated into perimeter landscape treatments.

- [g] Parking lots and drive through components located along secondary entries shall include walls of enclosure or similar screening with a minimum height of 3 feet.
- [8] Street lighting shall be at a pedestrian scale on all streets in the PD.
- [9] Green space shall be integrated into the site as a unifying factor to reinforce the cohesion of the district as a whole and shall be properly maintained. A Green Space/Landscape Management Plan, subject to minor site plan review and approval by the Director of Planning and Zoning in accordance with § 120-191 of the Zoning Code, shall be submitted upon approval of the development concept plan.
- [10] The canal shall be treated as an "edge" similar to a street. Parking lots, garage doors, loading docks or doors, service entrances, or dumpster enclosures are discouraged from facing the Canal.
- [11] In the Perimeter Commercial Subarea, all new construction facing the perimeter streets and secondary entries, shall provide active facades and areas of transparency equal to 50% of the wall area between the height of two and eight feet from the ground.
- [12] In the Canal Front Mixed Use Subarea, all new non-residential construction shall provide active facades and areas of transparency equal to 50% of the wall area between the height of two and eight feet from the ground.

K. Modification.

Modification of the design regulations contained in Sections G, H J and M (1) & (2), is subject to minor site plan review approval by the Director of Planning and Zoning in accordance with § 120-191 of the Zoning Code.

L. Personal wireless telecommunication facilities (PWTF).

Telecommunication facilities in PD No. 11 shall be regulated as outlined in §120-143 of The Zoning Code as follows:

- (1) Antennas on buildings. Antennas are permitted on all buildings which are four stories

or greater in height, provided that the antennas and related structures do not extend more than 20 feet above the roofline.

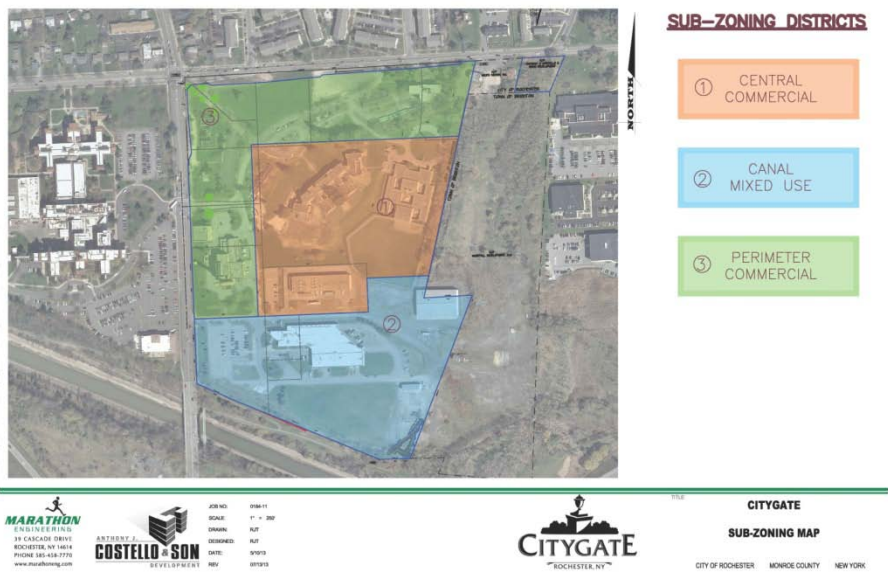
- (2) Antennas on existing towers. Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.
- (3) Telecommunications towers. New telecommunications towers shall not be permitted.

M. Additional requirements.

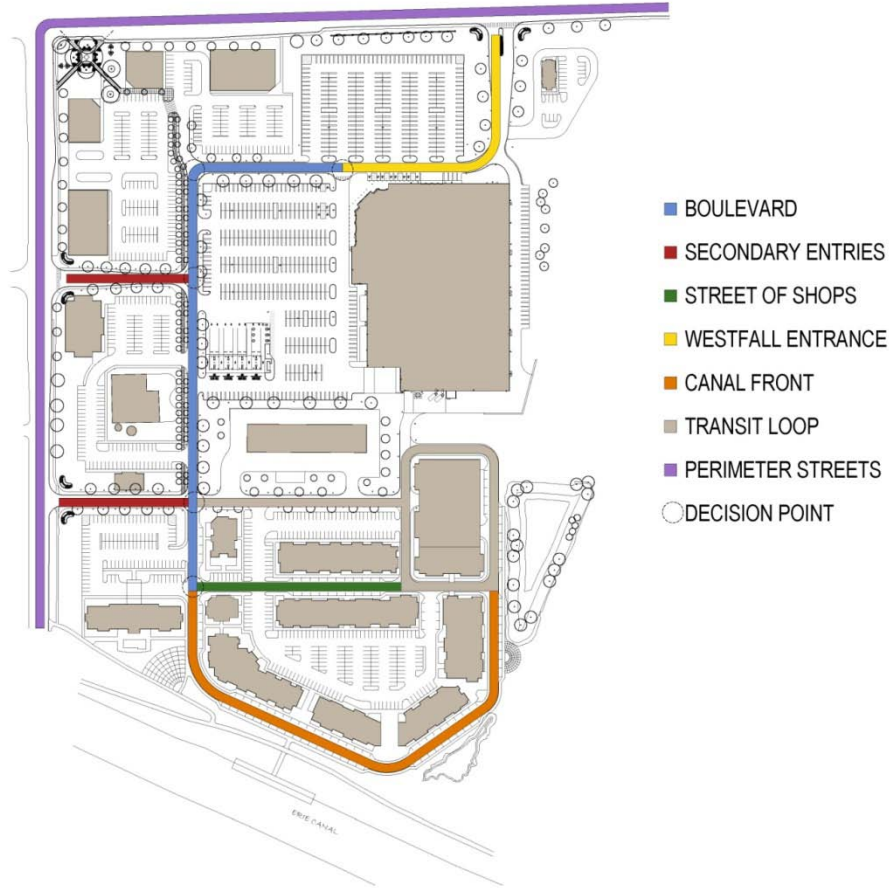
- (1) Development and redevelopment in PD No. 11 is subject to the City-Wide Design Guidelines and Standards (Article XIX), except § 120-158 C (1).
- (2) Development and redevelopment in PD No. 11 is subject to Requirements Applying to All Districts (Article XX), except as herein modified.
- (3) This Planned Development District is subject to requirements set forth in Article XVII of the City Zoning Code regarding planned development districts.

N. Development Concepts/Graphics

DEVELOPMENT CONCEPT PLAN SUBAREA MAP



STREETS



1 STREETScape DIAGRAM
1" = 100'

PEDESTRIAN ROUTES AND LANDSCAPING



Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-236
(Int. No. 299)

Changing The Zoning Classification Of 445 Westfall Road From PD #11 - CityGate To R-3/O-B High Density Residential/Overlay Boutique

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting 445 Westfall Road, from PD #11 - CityGate to R-3/O-B High Density Residential/Overlay Boutique:

ALL THAT TRACT OR PARCEL LAND, situate in part of Town Lot 63, and Town Lot 55, Township 13, Range 7, Division 2, in the City of Rochester, County of Monroe, State of New York and more particularly described as follows:

Beginning at a point on the southerly right of way line of Westfall Road (49.5' wide), in the City of Rochester, and the northwest corner of the lot now known as 180 Sawgrass Drive, Brighton, said point being the point or place of beginning;

1. Thence, proceeding along a line having a bearing of S22°36'10"W for a distance of 174.63 feet to a point;
2. Thence, turning to the right and proceeding along a line having a bearing of S88°08'20"W for a distance of 161.11 feet to a point;
3. Thence, turning to the right and proceeding along a line having a bearing of N13°35'09"E for a distance of 160.12 feet to a point;
4. Thence, turning to the right and proceeding along a line having a bearing of N86°45'17"E for a distance of 190.83 feet to a point; said point 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. 2013-237,
Ordinance No. 2013-238,
Ordinance No. 2013-239 and
Ordinance No. 2013-240

Re: Midtown Tower Redevelopment Project

Transmitted herewith for your approval is legislation related to the Midtown Tower Redevelopment Project being undertaken by Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively (the "Developer"). The actions requiring City Council approval through this legislation include the following:

1. Rescind Ordinance No. 2010-346

In September 2010, Council authorized the sale of 80 South Clinton Avenue to 80 South Clinton LLC, whose members included Robert C. Mor-

gan and David Christa, for development as 176 residential apartments, 24 luxury condominiums, and 94,000 square feet of office, retail, and restaurant space.

That LLC has since been replaced by the current Developer, Midtown Tower LLC, and the parcel(s), approved by the Rochester Urban Renewal Agency as disposition properties in the Urban Renewal Plan (November 2009), have been re-subdivided into two parcels - 270 East Broad Street and 280 East Broad Street.

2. Authorize the sale of 270, 280, and a portion of 286 East Broad Street

The City-owned parcels at 270, 280, and 286 East Broad Street comprise the former Midtown Tower and part of the former plaza at Midtown, respectively. When the former Midtown Plaza was demolished, the steel structure and concrete decking of the Tower and a portion of the former plaza were preserved to enable the eventual adaptive re-use of these structures.

These parcels will be sold for \$1.00 to the Developer as part of the Midtown Urban Renewal Project. The development program for the property now includes approximately 179 residential units and approximately 160,000 square feet of commercial space on the first three to five floors of the Tower and plaza.

3. Authorize a lease agreement with the Developer for 290 East Broad Street

The Developer will lease this parcel for operation of a non-exclusive short term surface public parking lot with approximately 34 parking spaces. The parcel will be leased for \$1.00 to the Developer for a term of 25 years with the option to renew for two five-year periods, contingent upon approval by City Council. The Developer will improve the parcel as a parking lot and thereafter operate and maintain it as public parking. The Developer will be allowed to retain any revenue generated from the parking to offset the cost of operations, maintenance, and the improvements to the site. Any remaining revenue will be split equally between the Developer and the City.

4. Authorize parking agreements with the Developer

A parking agreement with the Developer will provide up to 423 exclusive parking spaces in the Midtown Garage at a payment of \$50,000 per year to accommodate tenants of the Tower. These spaces are located on Levels A and B of the Midtown Garage within the parcels being sold to the Developer. The term of the agreement will be for 25 years with the option to renew for two five-year periods, contingent upon approval by City Council. The Developer will be responsible for operation, maintenance and security costs for that portion of the garage.

Also, up to an additional 250 parking passes will

be made available to the Developer at the full rate charged by the City for use by commercial tenants of the Midtown Tower as follows: one-half in the Midtown Garage and one-half in the South Avenue, East End, and Mortimer Street Garages, subject to the discretion of the Director of Parking and as long as the Developer is current on garage rent and all other obligations to the City related to this transaction.

5. Authorize a purchase option to the Developer

In order for the Developer to obtain financing for the project, the City will grant a purchase option to the Developer for that portion of the Midtown Garage comprising the 423 exclusive parking spaces at the appraised value at the time of transfer. The option may be exercised at any time during the lease term as long as the Developer is current on garage rent and all other obligations to the City related to this transaction, including loans related to acquisition and payments in lieu of taxes. The Developer would be responsible for any future capital improvements to that portion of the garage after its purchase.

6. Authorize granting and acceptance of easements

This will include any necessary easements for utilities, ancillary development, and for public access. A Reciprocal Easement Agreement with the Developer for the portion of the Midtown Garage located under the parcels at 270, 280, and 286 East Broad Street will provide permanent unrestricted subsurface easements to the City and all necessary easements back to the Developer.

7. Amend the 2010-11 Annual Action Plan of the Consolidated Community Development Plan and reappropriate funds

A total of \$1,000,000 will be transferred from the Economic Development (ED) Financial Assistance Loan and Grant - PAETEC Headquarters Project Account (Ordinance No. 2011-32) to the new ED Financial Assistance Loan and Grant - Midtown Tower Account, and reappropriated for the Midtown Tower Redevelopment Project. These funds will be used to finance one of three loans to the Developer.

8. Create a Development Revolving Loan Fund by appropriating \$3,141,001 to be included in the account

This amount will be used to finance one of three loans to the Developer. The funds were received in payment from the following: 1) \$3,041,001 from Harris Park Limited Partnership for the refinancing of Harris Park Apartments at 72-136 Floverton Street, and 2) \$100,000 from 200 East Avenue Associates, L.P. for the refinancing of Chevy Place at 200 East Avenue.

9. Appropriate \$326,721 for the Capital Project Housing Revolving Loan Fund

The funds were received in payment from 480 Eastman LLC for the refinancing of Windsor Lofts at 480 East Main Street.

10. Authorize three loan agreements with the Developer

All of these loans, totaling \$6,700,000 will provide both construction and permanent financing. Amounts, sources and terms are summarized below:

<u>Amount</u>	<u>Source</u>	<u>Terms</u>
\$1 million	2010-11 ED Financial Assistance Loan and Grant - Midtown Tower Account funds appropriated herein (CDBG)	20 years; annual interest-only (1%) payments Balloon payment at end of term
\$2.7 million	Prior Years' Cash Capital	20 years; annual interest-only (1%) payments Balloon payment at end of term
\$3 million	Development Revolving Loan Fund	8 years; annual interest-only (1%) payments Principal payments as follows: Yr 1 \$150,000 Yr 2 \$300,000 Yrs 3-7 \$450,000 Yr 8 \$300,000

11. The \$3 million loan requires that 15% of the residential units be affordable for a term of 20 years to households with incomes under 120% of the Median Family Income, and that one-half of those units will be rented to households under 80% MFI.

12. Authorize an agreement with the Developer

The City will reimburse the Developer for certain site and public access costs performed on behalf of the City in an amount not to exceed \$280,000. This will be funded from the \$11 million grant the City received from the Empire State Development Corporation for the redevelopment of Midtown, and appropriated in December 2011 (Ord. No. 2011-392).

13. Authorize the Mayor:

- a. To execute such agreements and other documents as may be necessary to effectuate the agreements authorized herein.
- b. To adjust the interest rate and other terms and conditions of the loans in order to conform to legal and other requirements for the Project.

The Developer will enter into a 20-year Payment In-Lieu-Of Taxes (PILOT) Agreement pending approval from the County of Monroe Industrial Development Agency (COMIDA) at its August 2013 meeting. The proposed terms of the PILOT agreement are as follows:

- For the residential portion of the development, the Developer will pay ten percent (10%) of shelter rent (i.e., gross rent less utility costs).
- For the commercial portion of the development, the Developer will pay the following amounts:

Per sq. ft.	Years
\$1.00	1-5
\$2.00	6-15
\$2.50	16-20

- The projected annual payments by the Developer under the COMIDA agreement are as follows (the City will receive a pro-rated portion):

Year 1	\$ 198,788
Year 2	311,532
Year 3	359,026
Year 4	384,771
Year 5	401,815
Year 6	545,549
Year 7	549,846
Year 8	554,208
Year 9	558,636
Year 10	563,130
Year 11	567,691
Year 12	572,320
Year 13	577,019
Year 14	581,789
Year 15	586,630
Year 16	661,294
Year 17	666,281
Year 18	671,343
Year 19	676,482
Year 20	681,697
Total	\$10,669,847

The Developer wishes to purchase the City-owned

property at 90 South Clinton Avenue, known as the Pavilion, in order to complement the Tower project and is willing to provide ingress and egress for the public to the Midtown Garage. The Developer will not be required to maintain ingress and egress to the Bausch & Lomb Building and to the Xerox Building through the Pavilion. City Council authorization to sell the Pavilion will be sought at a later date.

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

<u>Sources</u>	
Bank Loan	\$36,830,397
RG&E	500,000
ESDC Grant	5,200,000
City Cash Capital Loan	2,700,000
City CDBG Loan	1,000,000
City Development Revolving Loan	3,000,000
City Site Work and Public Access	280,000
Equity	5,000,000
Total	\$54,510,397

<u>Uses</u>	
Acquisition	\$ 2
Construction	47,781,102
Soft Costs	4,449,293
Site Work and Public Access	280,000
Construction Interest	2,000,000
Total	\$54,510,397

Construction is anticipated to start in the fall of 2013 and be complete by fall of 2015. The project will create 300 construction jobs and at least 29 new permanent jobs. The Developer has committed to the following M/WBE and workforce goals for the project:

- 20% of total dollar amount of contracts to go to Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Small Business Enterprises (SBE), and/or Disadvantaged Business Enterprises (DBE);
- Workforce hiring goals of 20% for minority persons and 6.9% for women.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, Lead Agency for the environmental review, has determined that the proposed action will not result in any significant environmental effects. A negative declaration is anticipated and will be provided prior to the July meeting of City Council.

Public hearings are required for the sale and lease of these parcels in accordance with Urban Renewal procedures and for the amendment to the Consolidated Community Development Plan/2010-11 Annual Action Plan.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-129

Councilmember Palumbo moved to discharge Int. No. 282 from Committee.

The motion was seconded by Councilmember Spaul. The motion was adopted by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

Ordinance No. 2013-237 (Int. No. 282)

Authorizing The Sale And Lease Of Parcels, Parking Rights, Easements And Additional Rights To Further The Midtown Urban Renewal Plan

WHEREAS, the City of Rochester has received a proposal from Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively (hereinafter called "Redeveloper"), for the purchase of 270, 280 and a portion of 286 East Broad Street, and the lease of 290 East Broad Street, and for parking rights and a purchase option relating to the Midtown Garage, for the redevelopment of the Midtown Tower and Plaza in the Midtown Urban Renewal Project, to further the objectives of the Midtown Urban Renewal Plan; and

WHEREAS, the City desires to sell said 270, 280 and a portion of 286 East Broad Street 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, in order to support the redevelopment of the parcels; and

WHEREAS, the City desires to lease 290 East Broad Street to the Redeveloper for the sum of \$1.00 for the operation of a non-exclusive short-term surface public parking lot for 25 years, with 2 options to renew for 5 years each, with the approval of City Council at that time, 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. The Redeveloper shall retain the revenue generated from the parking to offset the cost of operations, maintenance, and the improvements to the site. Any remaining revenue shall be split equally between the Redeveloper and the City; and

WHEREAS, the City desires to enter into a parking agreement with the Redeveloper to provide up to 423 exclusive parking spaces in the Midtown Garage at a payment of \$50,000 per year. The Redeveloper shall be responsible for operation, maintenance and security costs for that portion of the garage. The term of the agreement will be for 25 years with 2 options to renew for 5 years each, with the approval of City Council at that time; and

WHEREAS, the City desires to enter into a purchase option with the Redeveloper for that portion of the Midtown Garage comprising the 423 exclusive parking spaces at appraised value at the time of transfer; and

WHEREAS, the City desires to enter into a parking agreement with the Redeveloper for up to 250 passes in the Midtown Garage, South Avenue Garage, East End Garage, and Mortimer Street Garage as the Director of Parking deems appropriate; and

WHEREAS, the City desires to authorize the granting and acceptance of any necessary easements for utilities, ancillary development, and for public access, including, but not limited, to a reciprocal easement agreement with the Redeveloper relating to the Midtown Garage; and

WHEREAS, these actions will 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 270, 280 and a portion of 286 East Broad Street to the Redeveloper for the sum of \$1.00 for the redevelopment of the Midtown Tower.

Section 2. The Council hereby approves the lease of 290 East Broad Street for the sum of \$1.00 to the Redeveloper for the operation of a non-exclusive short-term surface parking lot for 25 years, with 2 options to renew for 5 years each, with the approval of City Council at that time, to further the objectives of the Midtown Urban Renewal Plan. The Redeveloper shall retain the revenue generated from the parking to offset the cost of operations, maintenance, and the improvements to the site. Any remaining revenue shall be split equally between the Redeveloper and the City.

Section 3. The Council hereby approves a parking agreement with the Redeveloper to provide up to 423 exclusive parking spaces in the Midtown Garage at a payment of \$50,000 per year. The Redeveloper shall be responsible for operation, maintenance and security costs for that portion of the garage. The term of the agreement will be for 25 years with 2 options to renew for 5 years each, with the approval of City Council at that time.

Section 4. The Council hereby approves a purchase option with the Redeveloper for that portion of the Midtown Garage comprising the 423 exclusive parking spaces at appraised value at the time of transfer. The option may be exercised at any time during the lease term as long as the Developer is current on garage rent and all other obligations to the City related to this transaction, including loans

related to acquisition and payments in lieu of taxes.

Section 5. The Council hereby approves a parking agreement with the Redeveloper for up to 250 passes, subject to the discretion of the Director of Parking, as follows: one-half in the Midtown Garage and one-half in the South Avenue, East End, and Mortimer Street Garages.

Section 6. The Council hereby further approves the granting and acceptance of any necessary easements for utilities, ancillary development, and for public access, including, but not limited to, a reciprocal easement agreement with the Redeveloper relating to the Midtown Garage.

Section 7. The Mayor is hereby authorized to enter into such agreements and to execute such other instruments as may be necessary to implement the actions authorized herein. The agreements and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. Ordinance No. 2010-346, which authorized the sale of 80 South Clinton Avenue to 80 South Clinton LLC, is hereby repealed.

Section 9. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

Councilmember Palumbo moved to discharge Int. No. 283 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

Ordinance No. 2013-238
(Int. No. 283)

Appropriating Funds And Authorizing Loan Agreements For The Reconstruction Of The Midtown Tower And Plaza Building And Financing A Development Revolving Loan Fund

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 Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively, whereby the City shall provide a loan to partially finance the costs of the reconstruction of the Midtown Tower and Plaza Building at 270 and 280 East Broad Street to further the Midtown Urban Renewal Plan. The loan agreement shall obligate the City to pay an amount not to exceed \$1,000,000 for construction and permanent financing, and said amount, or so much

thereof as may be necessary, is hereby appropriated from the Economic Development (ED) Financial Assistance Loan and Grant - Midtown Tower Account of the Promoting Economic Stability Objective of the 2010-11 Community Development Block Grant.

Section 2. The Mayor is hereby further authorized to enter into a loan agreement with Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively, whereby the City shall provide a loan to partially finance the costs of the reconstruction of the Midtown Tower and Plaza Building at 270 and 280 East Broad Street to further the Midtown Urban Renewal Plan. The loan agreement shall obligate the City to pay an amount not to exceed \$2,700,000 for construction and permanent financing, 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 loans authorized in Sections 1 and 2 shall each have a term of twenty (20) years with annual interest-only payments of one percent (1%) and a balloon payment at the end of their respective terms. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loans in order to conform to legal and other requirements for the Project.

Section 4. The Mayor is hereby authorized to enter into a loan agreement with Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively, 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 Midtown Tower Project. The loan 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 Development Revolving Loan Fund which is hereby established. The \$3,000,000 Development Revolving Loan Fund loan shall have a term of eight (8) years with annual interest-only payments of one percent (1%). Principal payments shall be \$150,000 in year 1, \$300,000 in year 2, \$450,000 in years 3-7 and \$300,000 in year 8. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

Section 5. The sum of \$3,141,001 is hereby appropriated to fund the Development Revolving Loan Fund from the funds received from the following: 1) \$3,041,001 from Harris Park Limited Partnership for the refinancing of Harris Park Apartments at 72-136 Floverton Street, and 2) \$100,000 from 200 East Avenue Associates, L.P. for the refinancing of Chevy Place at 200 East Avenue.

Section 6. The sum of \$326,721 is hereby appropriated to fund the Capital Project Housing Development Revolving Loan Fund from the funds received from 480 Eastman LLC for the refinanc-

ing of Windsor Lofts at 480 East Main Street.

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

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 284 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

Ordinance No. 2013-239
(Int. No. 284)

Authorizing An Agreement For The Midtown Plaza Revitalization Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively, whereby the City shall provide funding for certain site and public access costs to further the Midtown Urban Renewal Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$280,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation of New York State Urban Development Corporation d/b/a Empire State Development Corporation funds made in Section 1 of Ordinance No. 2011-392.

Section 3. 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.

Councilmember Palumbo moved to discharge Int. No. 285 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

Ordinance No. 2013-240
(Int. No. 285)

Authorizing An Amendatory 2010-11 Community Development Program Plan For The Midtown Tower Project

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Council hereby approves an amendment to the Consolidated Community Development Plan/2010-11 Annual Action Plan whereby the sum of \$1,000,000 shall be transferred from the Economic Development (ED) Financial Assistance Loan and Grant - PAETEC Headquarters Project Account of the Promoting Economic Stability Objective of the 2010-11 Community Development Block Grant to the new ED Financial Assistance Loan and Grant - Midtown Tower Account of the Promoting Economic Stability Objective of the 2010-11 Community Development Block Grant.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 286 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-241
Re: 2013-14 Consolidated Community Development Plan - Emergency Solutions Grants Program

Transmitted herewith for your approval is legislation related to the 2013-14 Emergency Solutions Grants Program as described in the Consolidated Community Development Plan. The overall program provides housing and support services for individuals and families who are homeless or at imminent risk of homelessness. This legislation will address the emergency shelter activities. Prevention and rapid rehousing activities will be addressed in a future request. This legislation will:

1. Appropriate \$317,436 from the Housing Choice Fund allocation (Emergency Solutions Grants Program account) of the 2013-14 Con Plan for implementation of the program.
2. Amend previous ordinances to recover unused ESG funds, and reappropriate those amounts for the 2013-14 program, as follows:

<u>Program Year</u>	<u>Ord. No.</u>	<u>Amount</u>
2011-12	2011-206	\$4,029
2012-13	2012-189	\$9,240

3. Establish maximum compensation for agreements with the following agencies to provide emergency shelter services. The providers were selected through a request for proposal process, which is described in the attached summary. The cost of the agreements will be financed from the appropriations herein.

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women, Inc.	\$26,146
Catholic Charities of the Diocese of Rochester d/b/a Catholic Family Center, Francis Center	\$20,650
Catholic Charities of the Diocese of Rochester d/b/a Catholic Family Center, Emergency Shelter Scattered Sites	\$4,600
Dimitri House, Inc.	\$16,290
Mercy Community Services, Inc.	\$10,293
Recovery Houses of Rochester, Inc.	\$15,370
Rochester Area Interfaith Hospitality Network, Inc. (RAIHN)	\$19,800
Spiritus Christi Prison Outreach, Inc./Project Jennifer House	\$28,400
Spiritus Christi Prison Outreach, Inc./Project Nielson House	\$12,400
Spiritus Christi Prison Outreach, Inc./Essential Services	\$10,000
The Center for Youth Services, Inc.	\$38,536
The Salvation Army, a New York Corporation	\$27,850
Volunteers of America of Western New York, Inc.	\$44,750
Young Women's Christian Association of Rochester and Monroe County	\$55,620

Eligible emergency shelter activities include: case management, support services, shelter operations (staffing and operating costs), and added beds.

Receipt of these federal funds requires cooperation of the local grantees; to that end, the RFP and proposal evaluations were conducted jointly with Monroe County. Proposal selection was based upon priorities established by the Rochester/Monroe County Continuum of Care and recommendations provided in the *Homeless Resolution Strategy - Rochester and Monroe County Final Report* authored by Housing Innovations, Inc.

The agreements will each be for a term of one year, with an option to extend for an additional year if funds remain in the original appropriation.

Descriptions of agency services are attached. This legislation supports the City Housing Policy Section 4: Promote Housing Choice.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-130

Ordinance No. 2013-241
(Int. No. 286)

Authorizing Agreements For The Emergency Solutions Grants 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 Emer-

gency Solutions Grants Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women, Inc.	\$26,146
Catholic Charities of the Diocese of Rochester d/b/a Catholic Family Center/Francis Center	20,650
Catholic Charities of the Diocese of Rochester d/b/a Catholic Family Center/Scattered Sites	4,600
Dimitri House, Inc.	16,290
Mercy Community Services, Inc.	10,293
Recovery Houses of Rochester, Inc.	15,370
RAIHN (Rochester Area Interfaith Hospitality Network, Inc.)	19,800
Spiritus Christi Prison Outreach, Inc./Jennifer House	28,400
Spiritus Christi Prison Outreach, Inc./Nielson House	12,400
Spiritus Christi Prison Outreach, Inc./Essential Services	10,000
The Center for Youth Services, Inc.	38,536
The Salvation Army, a New York Corp./Booth Haven	27,850
Volunteers of America of Western New York, Inc.	44,750
YWCA of Rochester and Monroe County	55,620

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$330,705, and of said amount, or so much as may be available and necessary, \$317,436 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Grants Program Account) of the 2013-14 Consolidated Plan, \$4,029 is hereby reappropriated from 2011-12 Emergency Shelter Grant Program Funds, and \$9,240 is hereby reappropriated from 2012-13 Emergency Solutions Grants Program Funds. The agreements shall extend for one year, effective July 1, 2013, with an option to extend for an additional year if funds remain in the original appropriation.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. Ordinance No. 2011-206, 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 \$4,029, which amount is reappropriated herein. Ordinance No. 2012-189, relating to the Emergency Solutions Grants Program, as amended, is hereby further amended by reducing the amounts authorized and appropriated therein by the sum of \$9,240, which amount is reappropriated herein. The Director of Finance shall reduce the amounts for specific agreements based on the unexpended funds for each organization and shall have the authority to make adjustments to the amounts set forth herein if the amounts have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect im-

mediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spaul abtained because of a professional relationship.

By Councilmember Scott
July 16, 2013

To the Council:

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

Int. No. 263 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The David F. Gantt Community Center Renovation Project

Int. No. 264 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Bicycle Boulevards Plan

Int. No. 265 - Appropriating Funds And Authorizing An Amendatory Agreement For The Rochester Bicycle Enhancement Project, As Amended

Int. No. 266 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Cemetery Site Improvements Project

Int. No. 267 - Authorizing An Agreement With The Town Of Canadice For Water System Operation And Maintenance

Int. No. 268 - Authorizing An Easement For Water Purposes

Int. No. 269 - Amending Ordinance No. 2013-22 Relating To An Agreement For The Fueling Of Fire Vehicles

Int. No. 287 - Authorizing An Amendatory Agreement, Appropriating Funds And Amending Ordinance No. 2013-75 Relating To The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations

Int. No. 288 - Reducing The Amount Authorized In Bond Ordinance No. 2013-76

Int. No. 289 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Mt. Hope Avenue Improvement Project, Amending Ordinance No. 2010-133 And Appropriating Funds

Int. No. 290 - Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations

Int. No. 291 - Bond Ordinance Of The City Of

Rochester, New York, Authorizing The Issuance Of \$505,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City's Central Vehicle Maintenance Facility In The City

Int. No. 293 - Amending Ordinances No. 2013-104 And 2012-469 Relating To A Professional Services Agreement For The Midtown Redevelopment Project And Amending Ordinance No. 2013-55, As Amended

Int. No. 297 - Authorizing An Agreement For The Brown's Race Flour Garden

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-242
Re: Amendatory Agreement - DeWolff Partnership Architects LLP, Gantt Community Center Renovation Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with DeWolff Partnership Architects (Rochester 14604) for additional architectural and engineering services for renovations at the Gantt Community Center. Ordinance No. 2010-228 authorized maximum compensation of \$210,000 for design of improvements currently underway and expected to be completed this fall. This amendment will increase compensation by \$13,000 for a total of \$223,000 and will cover the cost of services related to renovation of the gymnasium stage at the Center. The cost of the agreement will be financed from prior years' Cash Capital.

The Gantt Center improvements presently under construction include reconfiguration of interior walls, new ceilings, façade improvements, new kitchen equipment, and mechanical improvements to the following systems: plumbing, fire-protection, HVAC, and electrical.

The need for renovation of the gymnasium stage was identified in initial project planning, but was not included in the original scope of work due to a lack of funding. Since then, receipt of a State grant allowed funds originally intended for installation of play equipment to be transferred to the Gantt Community Center project. The stage renovation will include a new audio visual system, stage lighting, stage curtain, and painting. The estimated cost of \$130,000 will be funded from prior years' (\$98,270) and 2012-13 (\$31,730) Cash Capital.

DeWolff Partnership Architects LLP will provide additional architectural and engineering services from preliminary design through construction ad-

ministration for the renovation of the gymnasium stage which was not planned in the original scope of the renovation project.

Design will begin in summer 2013, with construction completion anticipated in February 2014. The stage renovation project will result in the creation/retention of the equivalent of 1.5 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-242
(Int. No. 263)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The David F. Gantt Community Center Renovation Project

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 DeWolff Partnership Architects LLP for architectural and engineering design services for the David F. Gantt Community Center Renovation Project. The agreement may extend until six 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. 2013-243
Re: Agreement - Alta Planning + Design,
Rochester Bicycle Boulevards Plan

Transmitted herewith for your approval is legislation related to the Rochester Bicycle Boulevards Plan. This legislation will:

1. Appropriate \$58,500 in anticipated reimbursements of Federal Highway Administration planning funds received through a grant from the Genesee Transportation Council for development of a Bicycle Boulevards Plan.
2. Establish \$65,000 as maximum compensation for an agreement with Alta Planning + Design, for planning and engineering services required for development of a bicycle boulevards plan for the City. The cost of the agreement will be financed from the FHWA funds appropriated herein (\$58,500) and from prior years' Cash Capital (\$6,500).

Bicycle boulevards, also known as "neighborhood greenways," are a series of inter-connected streets which have been modified to provide enhanced accommodation as through streets for bicyclists while simultaneously discouraging through automobile traffic. The Bicycle Master Plan identified bicycle boulevards as an increasingly popular technique nationwide and includes a recommendation to implement them locally.

Alta Planning + Design will develop recommendations for creating a network of bicycle boulevards. The focus for creating the boulevards will be on streets where on-street bicycling is challenging and/or could provide connections between key destinations. Identification of adjacent, low-volume neighborhood streets as bicycle boulevards will greatly enhance bicycle travel in these difficult corridors and in so doing, will greatly strengthen bike friendliness in our city.

The consultant's work will result in a comprehensive program of signage and infrastructure for the proposed Bicycle Boulevards, including estimated costs, an implementation plan, and suggestions for education and outreach.

Alta Planning + Design was selected through a request for proposal process described in the attached summary.

Planning and engineering services will begin in summer 2013 with scheduled completion in spring 2014. The study will result in the creation/retention of the equivalent of 0.7 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-131

Ordinance No. 2013-243
(Int. No. 264)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Bicycle Boulevards Plan

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 Alta Planning + Design for planning and traffic engineering services for the Rochester Bicycle Boulevards Plan. The agreement may extend until six months after completion and acceptance of the final Project deliverables. Of said amount, \$58,500 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration through a grant from the Genesee Transportation Council and \$6,500 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. 2013-244
Re: Rochester Bicycle Enhancement Program

Transmitted herewith for your approval is legislation authorizing the appropriation of \$21,507 in anticipated Federal Highway Aid to finance additional construction costs associated with the Rochester Bicycle Enhancement Program.

The Rochester Bicycle Enhancement Program involves the installation of on-street bicycle facilities on approximately fifteen centerline miles of arterial and collector streets throughout the city. This program was designed by C&S Companies. Bids for construction of the project were opened on March 12, 2013 and exceeded the engineer's estimate.

The City requested and was approved for additional federal transportation funding to cover approximately 80% (\$21,507) of the additional construction cost. Administration of the project for the New York State Department of Transportation, design and RPR agreements, and funding appropriations were authorized in Ordinance Nos. 2011-251 and 2012-75.

The local share of the construction costs (\$61,347) is funded from prior years' (\$13,347), and 2012-13 (\$48,000) Cash Capital allocations of the Department of Environmental Services.

Construction is anticipated to be complete in summer 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-244
(Int. No. 265, As Amended)

Appropriating Funds And Authorizing An Amendatory Agreement For The Rochester Bicycle Enhancement Project

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

Section 1. The sum of \$21,507 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Rochester Bicycle Enhancement Project.

Section 2. The sum of \$6,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and C&S Companies for design and resident project representation services for the Rochester Bicycle Enhancement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. 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. 2013-245
Re: Agreement - The LA Group, Mount Hope Cemetery Site Improvements

Transmitted herewith for your approval is legislation establishing \$98,000 as maximum compensation for an agreement with The LA Group (Saratoga Springs, NY) for services related to the Mount Hope Cemetery Glen Avenue and Third Avenue Project. The cost of the agreement will be financed from previous years' Cash Capital allocations.

The LA Group will provide planning, feasibility analysis, preliminary and final design services for two aspects of the project. One is consideration of types of interment spaces to add within the area of two abandoned cemetery drives - Glen Avenue and Third Avenue. The second aspect is the restoration of the landscape within the same area that was disturbed by the recent replacement of an underground storm sewer.

The scope of construction will be determined based on the approved plan of site improvements.

The LA Group was selected through a request for proposal process described in the attached summary.

Project design will begin in summer 2013. It is anticipated that construction will begin in spring 2014 with completion in summer 2014.

The design will result in the creation/retention of the equivalent of one full-time job.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-132

Ordinance No. 2013-245
(Int. No. 266)

Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Cemetery Site Improvements Project

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

Section 1. The sum of \$98,000, 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 LA

Group for site planning and economic feasibility and design services for the Mt. Hope Cemetery Site Improvements Project. The agreement may extend until six months after completion and acceptance of the construction of the Project. Said amount shall be funded 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. 2013-246
Re: Inter-Municipal Agreement -
Town of Canadice, Public Water
System

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Town of Canadice whereby the City will provide operation and maintenance services for a public water system in the Town of Canadice. The agreement will have a five-year term.

The Town of Canadice intends to construct a new public water system. The City performs preventive maintenance, repairs and replacement of its own facilities and has the necessary personnel, equipment, and expertise to perform these services for the Town. The City's Water Bureau is a 24-hour, year-round operation and is capable and willing to provide the same level of service to the Town as it does to all its customers.

This arrangement will result in operational efficiencies and economies for the Town by utilizing the City's full-service resources, with the Hemlock Filtration Plant and the Hemlock Operations Center being located a short distance away from the Town, and thereby freeing the Town from having to create its own water department.

The Town will reimburse the City for actual expenses including staff time and benefits and materials. It is expected that this agreement will result in new revenue of approximately \$39,000 per year.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-133

Ordinance No. 2013-246
(Int. No. 267)

Authorizing An Agreement With The Town Of Canadice For Water System Operation And 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 Town of Canadice

whereby the City shall provide operation and maintenance services for the Town's public water system for a term of five years. The agreement shall obligate Canadice to reimburse the City for the costs of personnel, benefits and materials in providing 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. 2013-247
Re: Hartford Street Water Main Easement

Transmitted herewith for your approval is legislation authorizing the acceptance by donation of an easement at 70 Hartford Street as part of the Hartford Street Abandonment project. The easement will be donated by the property owner, B&L Wholesale Supply, Inc.

Four abandonments have been approved by City Council to accommodate the expansion of B&L Wholesale, Inc., as follows:

- August 1991 Hartford Street from Scio Street to Finney Street
- October 2003 Hartford Street from Finney Street to east of Hetzel Alley
- July 2012 Hartford Street from east of Hetzel Alley to North Street
- November 2012 Hetzel Alley

The easement will provide the City with access to the eight-inch water main for inspection, maintenance, repair and replacement as needed. A map illustrating the location of the easement is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-134

Ordinance No. 2013-247
(Int. No. 268)

Authorizing An Easement For Water Purposes

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

Section 1. The Council hereby approves the acceptance by the City of a permanent easement for water purposes from B&L Wholesale Supply, Inc.

over a portion of 70 Hartford Street of approximately 3,540 square feet to provide for access to a water main for inspection, maintenance, repair and replacement.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-248
Re: Amending an Inter-Municipal Agreement - Rochester City School District, Vehicle Fueling for Rochester Fire Department

Transmitted herewith for your approval is legislation authorizing an amendment to the inter-municipal agreement with the Rochester City School District (RCSD) for diesel fueling services for the Rochester Fire Department. The five-year agreement was authorized via Ordinance No. 2013-22. This amendment will:

- Include gasoline fueling to the agreement.
- Add a \$0.15 per gallon administrative surcharge to both the gasoline and diesel fuels.
- Extend the term through June 30, 2018 to bring the agreement into alignment with both entities' fiscal calendars.

The cost of the agreement will be funded from the annual Budgets of the Department of Environmental Services, beginning with the 2013-14 fiscal year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-248
(Int. No. 269)

Amending Ordinance No. 2013-22 Relating To An Agreement For The Fueling Of Fire Vehicles

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

Section 1. Ordinance No. 2013-22, relating to an agreement with the Rochester City School District (RCSD) for the fueling of Rochester Fire Department vehicles at the RCSD Transportation Department at 835 Hudson Avenue, is hereby amended by authorizing the City to pay the RCSD for the actual cost of diesel or gasoline fuel and an administrative charge of \$.15 per gallon. The agreement may extend through June 30, 2018. Said amounts shall be funded from the annual budgets of the Department of Environmental Services, contingent upon adoption of future budgets.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-249 and
Ordinance No. 2013-250
Re: 2012 Preventive Maintenance Transportation Improvement Project (Four Locations)

Transmitted herewith for your approval is legislation related to the 2012 Preventive Maintenance Transportation Improvements at Four Locations (described below). This legislation will:

1. Authorize the appropriation of \$465,000 in anticipated Federal Highway Aid to finance additional eligible costs of the 2012 Preventive Maintenance Transportation Improvement Project (Four Locations).
2. Amend Ord. No. 2013-75 to revise the source of funds for the \$275,000 authorized therein as maximum compensation for the agreement with Erdman Anthony Consulting Engineers for resident project representation services. The amount was originally to be fully funded by the bonds authorized via Ord. No. 2013-76. Instead, \$184,000 will be funded from the FHWA aid appropriated herein; \$91,000 will be funded from the bonds.
3. Amend Ord. No. 2013-76 to reduce the amount of the bonds authorized therein (\$962,000) by \$448,000, for a total of \$514,000.
4. Authorize an amendatory agreement with Erdman Anthony Consulting Engineers for additional design services for this project. Ord. No. 2012-28 established \$120,000 as maximum compensation; this amendment will increase compensation by \$16,000 to a total of \$136,000. The additional cost will be funded from 2011-12 Cash Capital. The additional design work will address needed revisions to the project, including those resulting from comments by NYSDOT.

The Project involves milling and resurfacing, curb and sidewalk repair, pavement markings, and signal loops at four locations:

- Genesee Street
From Brooks Avenue to West Main Street
- Northland Avenue
From Ferncliffe Drive to Waring Road
- North Plymouth Avenue
From the Inner Loop to Lyell Avenue
- Buffalo Road
From the West City Line to Mt. Read Boulevard

Administration of the project for NYSDOT, design and RPR agreements, and funding appropriations were authorized in Ordinance No's. 2012-28, 2012-82, 2013-75, and 2013-76.

The engineer's cost estimate for this project exceeded the federal aid budget due to the greater than anticipated amount of pavement work. The City has been approved for \$465,000 in federal transportation funding to cover the aid eligible portion of the additional construction costs. The additional funds will be used to reduce Bond Ordinance No. 2013-76 (\$448,000) and pay for contingencies and City administration (\$17,000).

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-249
(Int. No. 287)

Authorizing An Amendatory Agreement, Appropriating Funds And Amending Ordinance No. 2013-75 Relating To The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations

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

Section 1. The sum of \$16,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Erdman Anthony Consulting Engineers for design services for the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2011-12 Cash Capital allocation.

Section 2. Ordinance No. 2013-75, relating to an agreement for the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations, is hereby amended by amending the source of funding in Section 1 by reducing the amount funded from Bond Ordinance No. 2013-76 from \$275,000 to \$91,000, which reduction of \$184,000 shall now be funded from the appropriation made in Section 3.

Section 3. The sum of \$465,000 is hereby appropriated from funds to be received from the Federal Highway Administration to finance the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-250
(Int. No. 288)

Reducing The Amount Authorized In Bond Ordinance No. 2013-76

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

Section 1. Bond Ordinance No. 2013-76, relating to the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations, is hereby amended by reducing the amount of authorized bonding by the sum of \$448,000, from \$962,000 to \$514,000. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is revised to \$2,546,150. The plan of financing is revised to include the issuance of \$514,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,011,400 appropriated from Federal Highway Administration funds, and \$20,750 in current City funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-251
Re: Mt. Hope Avenue Improvement Project

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project. This legislation will:

1. Authorize the appropriation of \$492,000 in anticipated Federal Highway Aid to finance project costs. This additional aid will allow for partial repayment of the \$900,000 bond originally issued for the project.
2. Amend Ord. No. 2010-133 to reduce the amount of funds authorized therein for acquisitions from \$2,434,000 to \$2,148,000, a difference of \$286,000, which is the amount established for acquisition of the uneconomic remnant of 1431 Mt. Hope Avenue which is no longer needed for the project. The table below reflects the additional FHWA aid, and the \$286,000 reduction in acquisition costs.

Funding for Property Acquisitions -
Mt. Hope Avenue Improvement Project

Source	Original Authorization Ord. No. 2010-133	Proposed Changes	Final
Federal	\$1,035,000	\$ 0	\$1,035,000
NYS	213,000	0	213,000
Cash Capital	286,000	(286,000)	0
Bond Ord. No. 2010-132	900,000	(492,000)	408,000
Federal - appropriated herein	0	492,000	492,000
	<u>\$2,434,000</u>	<u>(\$286,000)</u>	<u>\$2,148,000</u>

- 3. Authorize an amendatory agreement with Bergmann Associates, P.C. for additional resident project representation services (RPR) required for the Mt. Hope Avenue project. Ordinance No. 2012-113 established \$1,035,000 as maximum compensation for RPR services for both this project and for the Mt. Hope Cemetery Fence Project. This legislation will increase compensation by \$30,000 to \$1,065,000. The additional cost will be funded from anticipated federal (\$24,000), New York State (\$4,500) reimbursements appropriated via Ord. No. 2012-113, and \$1,500 from prior years' Cash Capital.

This amendment will address additional work valued at \$200,000 that has been identified and includes: removal of additional contaminated soils; additional sewer, water line and paving work; and several miscellaneous contract changes. The federal aid requirements also add a greater level of RPR services to meet NYS DOT standards than required on a City funded project.

The Mt. Hope Avenue Improvements Project includes: pavement reconstruction; new curbs, center traffic median, a new signalized intersection, street lighting; widened and enhanced sidewalks; water main improvements; and streetscape enhancements commensurate with the vision of the Collegetown C-V zoning district. This project was designed by Bergmann Associates.

Construction of the project is anticipated to be substantially complete in late summer 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-135

Ordinance No. 2013-251
(Int. No. 289)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Mt. Hope Avenue Improvement Project, Amending Ordinance No. 2010-133 And Appropriating Funds

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for resident project representation services for the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project and the Mt. Hope Cemetery Fence Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects. Of said amount, \$24,000 shall be funded from the Federal funds appropriated in Section 2 of Ordinance No. 2012-113, \$4,500 shall be funded from the New

York State funds appropriated in Section 3 of Ordinance No. 2012-113, and \$1,500 shall be funded from the Cash Capital allocation from prior years.

Section 2. The sum of \$492,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project.

Section 3. Ordinance No. 2010-133, relating to the acquisition of real estate for the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project, is hereby amended by rescinding Section 5 thereof; by deleting the funding in the amount of \$286,000 from the 2008-09 Cash Capital allocation in Section 6; and by reducing the amount funded in Section 6 from Bond Ordinance No. 2010-132 by the sum of \$492,000, which amount shall be funded from the appropriation made in Section 2.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-252 and
Ordinance No. 2013-253
Re: Amendatory Inter-Municipal
Agreement - Monroe County,
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 to increase the City share of costs by \$505,000, and
- 2. Authorize the issuance of bonds totaling \$505,000 and the appropriation of the proceeds thereof to finance the additional cost.

This City/County project involves the design and construction of two fueling facilities for shared use - one at the City's Central Vehicle Maintenance Facility (CVMF); the other at the Frank E. VanLare Wastewater Treatment Plant. The total cost for both facilities is estimated at \$7,565,000. Partial funding is provided by a Federal Congestion Mitigation and Air Quality Grant (CMAQ) (\$4,980,000) administered by the County.

The project includes installation of new underground and above-ground fuel tanks for conventional and alternative fuels, dispensing systems, supply lines, fuel lanes, fire suppression systems, electrical work, fuel management systems and associated software, drainage, and spill containment systems. During preliminary work at the CVMF site, the need for additional hazardous waste clean-up was identified. The additional funding requested herein will allow that work to be

completed.

The City share of funding for the project is summarized below.

Source	Ord. No. 2009-382	Ord. No. 2011-158	Ord. No. 2012-265	Ord. No. 2012-337	Proposed Amendment	Total
Bond Ord. 2009-383	\$75,000					\$ 75,000
Bond Ord. 2011-159		\$425,000				425,000
Bond app'd. herein					\$505,000	505,000
Local Works Cash						
Capital		200,000	\$140,000	23,300		363,300
Refuse Cash						
Capital		400,000	140,000	23,300		563,300
General Cash						
Capital				68,400		68,400
Total City funds	\$75,000	\$1,025,000	\$280,000	\$115,000	\$505,000	\$2,000,000
City share CMAQ grant		\$1,900,000	\$341,000			\$2,241,000
Total CVMF facility cost	\$75,000	\$2,925,000	\$621,000	\$115,000	\$505,000	\$4,241,000

Construction will be complete in fall 2013. The proposed amendment will result in the creation/retention of the equivalent of 5.5 full-time jobs.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Ordinance No. 2013-252
 (Int. No. 290)

Authorizing An Amendatory Agreement With The County Of Monroe For Green Fueling Stations

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe whereby the City shall reimburse the County in an amount not to exceed \$505,000 for environmental clean-up and remediation services for the City's Central Vehicle Maintenance Facility at Mt. Read Boulevard as a part of the Green Fueling Stations Project. Said amount shall be funded from a bond ordinance adopted 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 unanimously.

Ordinance No. 2013-253
 (Int. No. 291)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$505,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The City's Central Vehicle Maintenance Facility In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up and remediation services for the City's Central Vehicle Maintenance Facility at Mt. Read Boulevard in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$895,740. The plan of financing includes the issuance of \$505,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$390,740 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 \$505,000 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 \$505,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.6-e of the Law, is twenty (20) years.

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

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

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

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

within twenty (20) days after the date of such publication; or

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-254
Re: Amending Previous Ordinances -
Corrections to Funding for the
Midtown Development Project

Transmitted herewith for your approval is legislation amending Ordinance Nos. 2012-469 and 2013-104 to correct the funding sources for aspects of work related to the Midtown Development Project.

Ordinance No. 2012-469

This ordinance in Section 2 included an amendment to Ord. No. 2011-149 to change the funding sources authorized for an agreement with LaBella Associates for design services for the Midtown Development project. A funding change is again required to reflect federal program reductions in the grant appropriated in Ord. No. 2011-64. The City has been notified \$77,427 of this grant was rescinded, thus the federal funding is reduced from \$1,363,600 to \$1,286,173. The federal funds in the amendatory agreement will be replaced with City funds as follows:

<u>Source</u>	<u>Ord. No. 2012-469</u>	<u>Proposed</u>	<u>Change</u>
Federal TCSP Ord. No. 2011-64	\$1,363,600	\$1,286,173	(\$77,427)
Bond Ord. No. 2012-468	591,600	591,600	0
Bond Ord. No. 2013-53	0	77,427	77,427
Prior Years Cash Capital (Water)	118,700	118,700	0
Prior Years Cash Capital	<u>11,100</u>	<u>11,100</u>	<u>0</u>
Total	\$2,085,000	\$2,085,000	\$ 0

Ordinance No. 2013-104

This ordinance established \$575,000 as maximum compensation for an amendatory agreement with LaBella Associates for additional design and a downtown parking study related to the Midtown Development Project. However, the sources of funding for the additional cost did not cover the full amount of \$575,000 and did not reflect the change

in NYS Marchiselli aid that was partially rescinded as a result of federal program changes. The amendment requested herein will correct those errors. The additional cost for amendatory agreement will be funded as follows:

<u>Source</u>	<u>Proposed</u>	<u>Change</u>
Ord. No. 2013-104		
NYS Marchiselli Aid	\$419,282	(\$718)
\$420,000		
Prior Years Cash Capital	18,790	0
18,790		
Bond Ord. No. 2013-53	61,928	21,928
40,000		
2012-13 Budget for Undistributed Expense (Efficiency & Effectiveness)	75,000	0
75,000		
Total	\$575,000	\$21,210
\$553,790		

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-254
(Int. No. 293, As Amended)

Amending Ordinances No. 2013-104 And 2012-469 Relating To A Professional Services Agreement For The Midtown Redevelopment Project And Amending Ordinance No. 2013-55

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

Section 1. Ordinance No. 2013-104, relating to an amendatory professional services agreement with LaBella Associates, P.C. for engineering and design services for the Midtown Redevelopment Project, is hereby amended by amending the source of funding for the sum of \$575,000 to read as follows: \$419,282 is appropriated from New York State Marchiselli Aid funds, \$18,790 shall be funded from the Cash Capital allocation from prior years, \$61,928 shall be funded from Bond Ordinance No. 2013-53, and \$75,000 shall be funded from the 2012-13 Budget for Undistributed Expense (Efficiency & Effectiveness).

Section 2. Ordinance No. 2012-469, relating to an amendatory professional services agreement with LaBella Associates, P.C. for engineering and design services for the Midtown Redevelopment Project, is hereby amended by amending the source of funding in Section 2 (which amended the funding for the agreement in Ordinance No. 2011-149) by reducing the funding from the appropriation of United States Department of Transportation funds in Section 5 of Ordinance No. 2011-64 from \$1,363,600 to \$1,286,173, which reduction of \$77,427 shall now be funded from Bond Ordinance No. 2013-53.

Section 3. Ordinance No. 2013-55, relating to an amendatory professional services agreement with LaBella Associates, P.C. for resident project representation services for the Midtown Redevelopment Project, is hereby amended by amending the source of funding in Section 1 to read as fol-

lows: \$1,203,350 shall be funded from Bond Ordinance No. 2013-53, \$119,434 shall be funded from Bond Ordinance No. 2013-54, \$31,486 shall be funded from anticipated reimbursements from the Rochester Pure Waters District appropriated in Section 2 of Ordinance No. 2013-104, \$44,240 shall be funded from the Cash Capital allocation from prior years, and \$1,490 shall be funded from Local Improvement Ordinance No. 1661.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-255
Re: Agreement - Friends of the GardenAerial, Flour Garden Installation and Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with the Friends of the GardenAerial for the implementation and maintenance of improvements to the raceway in Browns Race.

As part of the ongoing work for planned repairs to the raceway, the City will partner with GardenAerial for additional improvements. GardenAerial will be responsible for the installation and planting of a rain garden feature to be named the Flour Garden. GardenAerial will also be responsible for the continued maintenance and cleaning of the feature.

The agreement is required by New York State as part of GardenAerial's request for funding through the Consolidated Funding Application process.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-255
(Int. No. 297)

Authorizing An Agreement For The Brown's Race Flour Garden

BE IT 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 Friends of the GardenAerial whereby the Friends shall be responsible for plantings and the establishment of a rain garden feature within Brown's Race to be known as the Flour Garden, and for its continued cleaning and maintenance, which improvements may be made in conjunction with City improvements to the raceway.

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.

By Councilmember McFadden
July 16, 2013

To the Council:

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

Int. No. 270 - Establishing Maximum Compensation For A Professional Services Agreement For Code Training. As Amended

Int. No. 271 - Establishing Maximum Compensation For A Professional Services Agreement For Pediatric Life Support Training And Equipment

Int. No. 272 - Authorizing An Agreement For Fire Alarm Master Box Maintenance

Int. No. 273 - Authorizing Agreements For Sexual Health Promotion For Young People. As Amended

Int. No. 274 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Resident Project Representation Services

Int. No. 275 - Establishing Maximum Compensation For A Professional Services Agreement For A Community Survey

Int. No. 276 - Amending The 2013-14 Budget By Appropriating Forfeiture Funds And Authorizing Agreements

Int. No. 277 - Amending The 2013-14 Budget By Appropriating Forfeiture Funds For The Operations Of GRANET

Int. No. 278 - Authorizing Agreements For The 2013 Justice Assistance Grant Program

Int. No. 279 - Authorizing Agreements For Bomb Squad Initiative Grants

Int. No. 280 - Authorizing An Agreement For Explosive Detection Canine Team Grant

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-256
Re: Agreement - Peter Aiello, Code
Training for the Rochester Fire
Department

Transmitted herewith for your approval is legislation establishing \$13,200 as maximum compensation for an agreement with Peter Aiello (Buffalo, NY) to provide New York State Uniform Fire and Building Code (NYSUFBC) Code Compliance Technician (CCT) training. The cost of this training will be funded from the 2013-14 Budget of the Fire Department.

RFD Line Division personnel perform annual fire code inspections of commercial properties, and are required by the State to be certified Code Compliance Technicians. Obtaining certification requires successful completion of training by a State certified instructor.

Mr. Aiello is one of three individuals in the State who is credentialed to teach both the Technician and the Train the Trainer certification programs. He will provide 72 hours of classroom training as required by the State for line division to obtain Code Compliance Technician certification.

The RFD goal is to eventually have all 443 operational personnel participate in the code training. In this initial phase, Mr. Aiello will train 48 uniformed members of the department in Code Compliance. He will also train two members who are already certified in Code Compliance as instructors who will then be able to provide instruction to other members of the department. This approach will address succession planning for future training of firefighters and officers within the RFD.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-136

Ordinance No. 2013-256
(Int. No. 270, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Code Training

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

Section 1. The sum of \$13,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Peter Aiello for New York State Uniform Fire and Building Code training for the Rochester Fire Department. Said amount shall be funded from the ~~2013-14 Budget of the Rochester Fire Department Assistance to Firefighters Grant Program funds appropriated in Section 3 of Ordinance No. 2010-406, which amount is reappropriated for this purpose.~~

Section 2. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-257
Re: Agreement - Golisano Children's Hospital, Pediatric Life Support Training

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with the Golisano Children's Hospital at the University of Rochester Medical Center to provide Mobile Pediatric Advanced Life Support (PALS) training and equipment. The cost of the agreement will be financed from the 2011 Metropolitan Medical Response System (MMRS) Grant (Ord. No. 2012-270).

The Golisano Children's Hospital will provide Mobile PALS training for regional suburban and rural community hospital emergency room medical professionals as a component of the MMRS agreement. In normal circumstances, children who are critically ill are transported to hospitals equipped with pediatric specialty facilities. However, in the event of a disaster or mass casualty incident, transportation to a specialty facility may not be an option. Mobile PALS training will provide local hospitals with the basic tools to be able to recognize and stabilize critically ill pediatric patients. Training will focus on life threatening respiratory and cardiovascular emergencies.

The Golisano Children's Hospital is the designated Regional Tertiary Referral Center serving the metropolitan Rochester area and surrounding region. As such, they are considered a sole source provider of this training. Their expertise in advanced pediatric life support is critical to providing training of regional emergency room medical professionals for the care and management of a mass incident involving pediatric patients.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-257
(Int. No. 271)

Establishing Maximum Compensation For A Professional Services Agreement For Pediatric Life Support Training And Equipment

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 the Goli-

sano Children's Hospital at the University of Rochester Medical Center for Mobile Pediatric Advanced Life Support training and equipment. The agreement shall be funded from 2011 Metropolitan Medical Response System Grant funds authorized by Ordinance No. 2012-270, which were originally appropriated in the 2012-13 Budget of the Rochester Fire Department and are now appropriated off budget for 2013-14.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-258
Re: Inter-Municipal Agreement - Rochester City School District, Maintenance of Fire Alarm Master Boxes

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District for the Rochester Fire Department to service fire alarm master boxes located at District facilities.

Fire alarm master boxes provide direct transmission to the 911 Emergency Communications Center in the event of a fire. The Fire Department will provide maintenance, repair, and testing services for the District's approximately 60 master boxes. The District will pay the City the following rates for service:

- \$100 annual fee per fire alarm box.
- \$50 per hour for on-call repairs with a two hour minimum, plus parts at cost.

The agreement will remain in effect upon mutual consent until 30 days after written notification of either party.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-258
(Int. No. 272)

Authorizing An Agreement For Fire Alarm Master Box 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 Rochester City School District for the maintenance by the Rochester Fire Department of the fire alarm master boxes in School District facilities. The agreement shall extend upon mutual consent and shall be terminable upon 30 days' written notice of either party.

Section 2. The agreement shall obligate the

School District to pay the City \$100 annually per fire alarm master box, and \$50 per hour for on-call repairs, with a two hour minimum, plus parts at cost.

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. 2013-259
Re: Agreements - New York State
Department of Health Promoting
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 \$190,822 in funding for the fourth year of a five-year grant. This amount was anticipated and included in the 2013-14 Budget of the Department of Recreation and Youth Services.
2. Establish \$90,380 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential, to recruit and supervise youth leaders, create a social marketing campaign, and conduct project outreach to local youth health clinics.
3. Establish \$20,000 as maximum compensation for an agreement with AIDS Care to provide a part-time health educator to train youth leaders and co-facilitate health education workshops, curriculum, and presentations related to the grant project.

Both agreements will be funded from the 2013-14 Budget of the Department of Recreation and Youth Services, and the term of each will be from August 1, 2013 to May 31, 2014.

The remaining grant funds (\$80,442) will be used to support City staff and operational costs needed for implementation of the program.

The goal of the program is to reduce HIV and sexually transmitted infections and unintended pregnancies among Rochester youth aged 13 to 24, with an emphasis on youth of color. Youth leaders, parents, health clinics, and community volunteers will be engaged to support and promote optimal sexual health for young people. Optimal sexual health involves ensuring that adolescents have support 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 300 youth and families at community events with a health focus; 75 youth in workshops, curriculum delivery, and peer training activities; over 50 adults in youth-led workshops; and over 1,000 youth and adults through distribution of health information and social media.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-137

Ordinance No. 2013-259
(Int. No. 273, As Amended)

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 funding for the 2013-14 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 \$90,380 to provide Project services.

Section 3. The Mayor is hereby further authorized to enter into an agreement with ~~AIDS Care~~ Trillium Health 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 \$110,380, and said amount, or so much thereof as may be necessary, shall be funded from the 2013-14 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.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-260
Re: Amendatory Agreement - LaBella Associates, Resident Project Representation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates to provide additional resident project representation (RPR) services for parks and recreation facility projects. Ordinance No. 2012-312 established \$60,000 as maximum compensation for an agreement with a term of two years. This amendment will increase the compensation by \$60,000, for a maximum of \$120,000. This additional cost will be funded from the 2012-13 Cash Capital allocation of the Department of Recreation and Youth Services (DRYS).

The original amount, \$60,000, was based on typical needs for DRYS facilities projects. However, the Capital Acceleration Program has resulted in the scheduling of more projects than originally planned for this two-year period, thus requiring the increase.

The additional funds will allow for the provision of RPR services for accelerated projects as scheduled by the Department of Environmental Services, including but not limited to apparatus replacement and park improvements at JR Wilson Park, Avenue D Community Center, Paul Bianchi Park, Clinton/Baden Community Center, and various court repairs and resurfacing.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-138

Ordinance No. 2013-260
(Int. No. 274)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Resident Project Representation Services

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with LaBella Associates P.C., for resident project representation services for parks and recreation projects. The agreement may extend until three 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 2012-13 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-261
Re: Agreement - Survey Research Institute, Cornell University, Survey of Community Perceptions Of RPD

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Survey Research Institute, Cornell University to develop and conduct a public opinion survey related to Police Department services. The cost of this agreement will be funded from the 2013-14 Budget of the Police Department.

Survey Research Institute will work in collaboration with RPD to develop a survey instrument that will assess community opinions and perceptions of aspects of RPD services identified as areas of concern. The survey will be administered to a random sample of city residents and business owners representative of the ethnic, socio-economic, and geographic distribution of the population. The consultant will provide a report of the analysis of the survey results.

Survey Research Institute, Cornell University was selected through a request for proposal process described in the attached summary.

The term of the agreement will be August 1, 2013 to July 31, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-139

Ordinance No. 2013-261
(Int. No. 275)

Establishing Maximum Compensation For A Professional Services Agreement For A Community Survey

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 Survey Research Institute, Cornell University, for a community survey. Said amount shall be funded from the 2013-14 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-262
Re: Federal Forfeiture Funds for Community Programs

Transmitted herewith for your approval is legislation related to Federal forfeited property revenues attributable to the Rochester Police Department. This legislation will:

1. Appropriate \$52,600 in Federal forfeiture funds for support of community programs, and amend the 2013-14 Budget of the Police Department to reflect this amount. This is the maximum amount allowable in one fiscal year for this purpose.
2. Establish maximum compensation for agreements, as listed below, with organizations to support services and programs as allowed by the Federal program. The total cost of the agreements, \$44,000, will be funded from the 2013-14 Budget of the Police Department.

<u>Organization</u>	<u>Program Description</u>	<u>Amount</u>
Crime Stoppers	Allows anonymous crime tips and provides rewards for tips that result in arrests. Publishes the <i>Fugitive Flyer</i> to assist local law enforcement in arresting known career criminals.	\$10,000
Monroe Community Center	Police Recruit Education Project. Designed to increase the academic success of minority students enrolled in the MCC criminal justice program and who desire to seek future employment with the City.	\$8,500
*Various youth football teams	Drug education and other activities consistent with law enforcement initiatives to reinforce positive behaviors.	\$9,000
Latin Youth Baseball Foundation	Drug education and other activities consistent with law enforcement initiatives are offered to baseball program participants to reinforce positive behaviors.	\$2,000
Police Activities League	A youth crime prevention program using educational, athletic, and recreational activities to create trust and understanding between police officers and youth.	\$5,000
Changing the Community	Combines football camp with life skills training.	\$5,000
A Horse's Friend	Promotes positive values, increases social competencies, and teaches respect and leadership skills to at-risk youth through horseback riding.	\$3,000
Jefferson Avenue Business Assn.	National Night Out - South West. An event to heighten crime and drug prevention awareness; strengthen neighborhood spirit and police-community partnerships	\$1,500

* 10th Ward Tigers, Monroe County Cowboys, Rochester Rams, Southside Cyclones, Northeast Bulldogs, Southwest Colts.

The remaining \$8,600 of the amount appropriated herein will be distributed throughout the year to other organizations in accordance with Federal requirements and subject to approval by City Council. Approval of this appropriation will result in a balance of \$292,800 in the fund.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-262
(Int. No. 276)

Amending The 2013-14 Budget By Appropriating Forfeiture Funds And Authorizing Agreements

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

Section 1. Ordinance No. 2013-160, the 2013-14 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 \$52,600, which amount is hereby appropriated from funds received from the Federal Government from seized and forfeited assets.

Section 2. The Mayor is hereby authorized to enter into agreements with the following community based organizations for use of these funds for eligible activities in accordance with Federal forfeiture guidelines:

Organization	Amount
Crime Stoppers	\$10,000
Monroe Community College PREP	8,500
Youth Football - 10th Ward Tigers, Monroe County Cowboys, Rochester Rams, Southside Cyclones, Northeast Bulldogs, Southwest Colts	9,000
Latin Youth Baseball Foundation	2,000
Police Activities League	5,000
Changing the Community	5,000
A Horse's Friend	3,000
Jefferson Avenue Business Association	
National Night Out - South West	1,500

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Conklin abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-263
Re: Appropriation of Forfeiture Funds -
2013-14 GRANET Operations

Transmitted herewith for your approval is legislation appropriating \$200,000 from Federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET) for implementation of GRANET operations for 2013-14, and amending the 2013-14 Budget of the Police Department to reflect this amount.

GRANET participates in joint investigations by Federal, State, and local law enforcement agencies. The mission of GRANET is to achieve maximum coordination and cooperation among participating agencies, and bring to bear their combined resources to investigate mid- and upper-level narcotics and illegal weapons offenses; and to aggressively investigate career criminals in the greater Rochester/Monroe County area, utilizing both State and Federal laws.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Departments of Justice and Treasury and the Attorney General.

GRANET will use asset forfeiture funds for operational expenses, including: communications, elec-

tronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property (March 1994). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

GRANET is a multi-jurisdictional team comprised of local and federal agencies. As a participant of the team, the City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. Approval of the appropriation requested herein will result in an undesignated balance in GRANET's forfeiture fund of approximately \$636,200. A fund balance of \$350,000 is maintained; amounts above that are distributed quarterly to participating agencies, including the City.

This will be the first appropriation of GRANET's forfeiture funds during 2013-14.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-263
(Int. No. 277)

Amending The 2013-14 Budget By Appropriating Forfeiture Funds For The Operations Of GRANET

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

Section 1. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$200,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-264
Re: Agreement - US Department of
Justice, 2013 Justice Assistance
Grant

Transmitted herewith for your approval is legislation authorizing agreements related to the 2013 Justice Assistance Grant as follows:

1. Authorize an agreement with the US Department of Justice for the receipt and use of the 2013 Justice Assistance Grant in the amount of \$191,357.

- 2. Authorize an agreement with the County of Monroe for the distribution and use of \$86,110.50 of the grant for support of the "Operation Nightwatch" program.

As administrator for the grant, the City is allowed 10% (\$9,136) to cover administrative costs. The remaining funds are allocated equally between the City and the County for their respective programs. The County intends to use its share to support "Operation Nightwatch," a program of the Probation Department.

The City share will be used to underwrite the salary costs of a victims services specialist position in the Police Department's Family and Victims Services Section. These funds were anticipated and included in the 2013-14 Budget of the Police Department.

The previous Justice Assistance Grant was authorized in May 2012 under Ordinance No. 2012-217 in the amount of \$207,121. The term of this grant is October 1, 2012 to September 30, 2016.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-264
(Int. No. 278)

Authorizing Agreements For The 2013 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 2013 Justice Assistance Grant Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe to fund the Monroe County Probation Department's Operation Nightwatch Program.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$86,110.50, 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 2013 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. 2013-265 and
Ordinance No. 2013-266
Re: New York State Division of Homeland
Security and Emergency Services
Grants

Transmitted herewith for your approval is legislation authorizing applications and agreements with the New York State Division of Homeland Security and Emergency Services for the receipt and use of grants totaling \$172,500. The grants and related programs are summarized below.

2011-12 (\$78,750) and 2012-13 (\$78,750) Bomb Squad Initiative Grants

These grants, which the City has received for over ten years, support the Police Department's FBI-certified Bomb Squad. The 2011-12 and 2012-13 funds will be combined and used to purchase a bomb disposal robot. No match is required for these grants. The term for each is September 1, 2012 to August 31, 2014.

2011-12 Explosive Detection Canine Grant \$15,000

This grant provides funding for the members of the Police Department's Explosive Detection Canine Team to attend three FEMA sanctioned trainings to improve the team's capabilities. This is the second time we have received this grant. The term of this grant is September 1, 2012 to August 31, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-265
(Int. No. 279)

Authorizing Agreements For Bomb Squad Initiative Grants

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

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Police Department under the 2011-12 and 2012-13 Bomb Squad Initiative Grant Programs.

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

Section 3. The sum of \$157,500 is hereby appropriated from funds to be received under the 2011-12 and 2012-13 Bomb Squad Initiative Grant Programs grant agreements authorized herein to fund the purchase of a bomb disposal robot.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-266
(Int. No. 280)

Authorizing An Agreement For An Explosive Detection Canine Team Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Police Department under the 2011-12 Explosive Detection Canine Team Grant Program.

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

Section 3. The sum of \$15,000 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund training related to the Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:23 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
AUGUST 13, 2013**

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

Retirements:

Human Resource Management

*Lorraine S. Busch

Recreation and Youth Services

*Earl D. Green, Jr.

Office of Public Integrity

*Dale L. Pascoe

Fire Department

*Joseph DiFranco

*Ronald C. Lovell

Police Department

*William P. Finnerty

Michael VanRoo

Rochester Public Library

*John B. White

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Public Hearing on June 12, 2013 and the Regular Meeting of July 16, 2013 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 4116-13

Public Disclosure - CDBG Participation

4117-13

Public Disclosure - HOME Participation

4118-13

The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. No. 333, Councilmember Miller on Int. No. 339, Councilmember Scott on Int. No. 339 and Councilmember Spaul on Int. No. 338.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

Petition with 33 signatures opposing the upgrade of street lighting for Cobbs Hill/Nunda neighborhood Petition No. 1693

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 705 And 707-711 Maple Street And 225 And 233 Ames Street From C-1 Neighborhood Center To M-1 Industrial Int. No. 312 No speakers.

Changing The Zoning Classification Of 1483 And 1487 North Clinton Avenue From C-2 Community Center To M-1 Industrial Int. No. 313 No speakers.

Approving Changes In The Pavement Width Of Manor Parkway As Part Of The Manor Parkway Improvement Project Int. No. 323 No speakers.

Amending The Official Map By Dedicating Parcels As Manor Parkway For The Manor Parkway Improvement Project And Accepting Donations Int. No. 324 No speakers.

Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Cobbs Hill/Nunda Neighborhood Street Lighting Project, As Amended Int. No. 325 2 speakers: Warren Phillips, Mike McCourt.

Approving Changes In The Pavement Width Of South Fitzhugh Street As Part Of The Bicycle Trails Project Int. No. 326 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
August 13, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 300 - Authorizing An Agreement For Bond Counsel Services

Int. No. 301 - Amending Ordinance No. 2013-168 With Respect To Parking Fines

Int. No. 302 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To Parking Violations

Int. No. 303 - Establishing Maximum Compensation For A Professional Services Agreement For Health Insurance Administration

Int. No. 304 - Authorizing Options For The Agreement For The Administration Of The City's Workers' Compensation Program

Int. No. 305 - Appropriating Firefighters' Insurance Funds

Int. No. 336 - Amending The 2013-14 Budget For Library Grants And High Falls

Int. No. 341 - Amending The 2012-13 Budget For The Year-End Closeout

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-267
Re: Agreement - Woods Oviatt Gilman LLP,
Bond Counsel Services

Transmitted herewith for your approval is legislation authorizing an agreement with Woods Oviatt Gilman LLP, 700 Crossroads Building, 2 State Street, Rochester, N.Y., 14614, for bond counsel services. The term of this agreement will be for three (3) years, with the option of one additional three-year renewal.

These bond issue costs will be charged to the annual operating budget of the Department of Finance - Director's Office.

To finance various capital projects, the City issues, or reissues, bond anticipation notes (BANs) or issues bonds initially. This occurs usually twice

each fiscal year. These financings approximate \$35 million, and may total approximately \$100 million when notes are converted to bonds.

Woods Oviatt Gilman LLP was selected through a Request for Proposal process, which is described in the attached summary.

Woods Oviatt Gilman LLP's fees for routine debt sales are as follows:

	<u>Amount</u>
Each series of publically sold Bond Anticipation Notes (BANs)	\$15,000
Each series of publically sold General Obligation Bonds	\$15,000
Each series of negotiated BANs or Bonds	\$25,000
Plus maximum amount for disbursements	\$400

Hourly fees for non-routine services range from \$350 to \$390 per hour, depending upon the type of service and level of the individual performing the service (partner, associate, etc.).

The consultant has been informed of the Living Wage requirement and the Department of Finance will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-141

Ordinance No. 2013-267
(Int. No. 300)

Authorizing An Agreement For Bond Counsel Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Woods Oviatt Gilman LLP for bond counsel services for a term of 3 years, with provisions for renewal for one additional three-year term.

Section 2. Routine fees for publicly issued notes and bonds shall not exceed \$15,000, and for negotiated notes and bonds shall not exceed \$25,000, with disbursements not to exceed \$400. The agreement shall establish hourly rates for non-routine services. Such services shall be funded through the annual Budgets of the Department of Finance, contingent upon adoption of such 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. 2013-268 and
Ordinance No. 2013-269

Re: Technical Amendments - Municipal Code,
Parking

Transmitted herewith for your approval is legisla-
tion amending the Municipal Code to clarify tech-
nical aspects of amendments previously authorized
via Ordinance No. 2013-168. This legislation will
amend:

1. Ordinance No. 2013-168, which amended
Section 111-85 of the Municipal Code with
respect to parking fines to clarify that the only
changes are to the amounts of the fines.
2. Section 111-23 of the Code to prohibit park-
ing in safety zones.

Ordinance No. 2013-168

This ordinance amended Section 111-85 of the
Municipal Code with respect to parking fines. The
proposed amendment will affirm that the only
changes to the Code are to the fine amounts, and
the remainder of the section is unchanged. A re-
view of this ordinance upon inclusion of the neces-
sary changes in the Code indicated that the intro-
ductory language for the code change may be too
broad and should be narrowed to assure that addi-
tional and unintended changes are not made to the
Code.

Section 111-23 of the Municipal Code - Stopping,
standing or parking prohibited in certain places

Ordinance No. 2013-157 authorized the addition of
common parking violations to the Municipal Code.
As the new parking tickets and instructions for
police officers were being designed, the Police
Department recommended the inclusion of a local
prohibition on parking in safety zones to the regula-
tions already adopted.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-268
(Int. No. 301)

**Amending Ordinance No. 2013-168 With
Respect To Parking Fines**

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

Section 1. The introductory clause of Section 1
of Ordinance No. 2013-168, which amended Sec-
tion 111-85 of the Municipal Code, Fines and pe-
nalties for offenses and fees, is hereby amended to
read:

The fines set forth in the following subsections
of subsection A(1) of Section 111-85 of the Mun-
icipal Code, Fines and penalties for offenses and
fees, are amended to read as follows, with
the remainder of said Section to remain un-

changed:

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

Passed unanimously.

Ordinance No. 2013-269
(Int. No. 302)

**Amending Chapter 111 Of The Municipal
Code, Traffic Ordinance, With Respect To
Parking Violations**

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

Section 1. Chapter 111 of the Municipal Code,
Traffic Ordinance, as amended, is hereby further
amended by amending subsection K of Section
111-23, Stopping, standing or parking prohibited in
certain places, to read in its entirety as follows:

K. Between a safety zone and the adjacent curb
or within 30 feet of points on the curb im-
mediately opposite the ends of a safety zone.

Section 2. This ordinance shall take effect two
weeks after the date of adoption.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-270
Re: Agreement - MVP Health Care

Transmitted herewith for your approval is legisla-
tion establishing \$3,750,000 as maximum annual
compensation for an agreement with MVP Health
Care for administration of health insurance plans
for City of Rochester employees and retirees. The
cost of this agreement will be funded from the
2013-14 and subsequent annual Budgets for Undis-
tributed Expenses, contingent upon their approval.
The term of this agreement will be for three years,
from January 1, 2014 through December 31, 2016.

Beginning in January 2013, the City's health insur-
ance plans have been self-funded. This change
immediately reduced the costs of administrative
fees paid to health insurers and provided the City
with greater control over plan design and clinical
edits. MVP Health Care, the City's sole health
insurance provider since September 2009, assisted
with implementation of this significant funding
change and continued to work with the City by
providing third-party administrative services for the
2013 plan year.

MVP Health Care was selected through a Request
for Proposal process facilitated by Lawley Benefits,
the City's health insurance broker. The process is
described in the attached summary.

MVP will continue to administer the City's health
plans. Their services include the review and pay-
ment of health care claims for medical services

received by City employees, retirees, and eligible dependents.

MVP has provided exemplary service to the City of Rochester over the past four years. With the City's change to a self-funded health plan, the focus for cost control strategies has shifted toward employee health promotion and wellness initiatives. MVP excels in this area of health plan administration and has assigned a part-time employee to work exclusively with the City's wellness program.

The consultant has been informed of the Living Wage requirements and the Department of Human Resource Management will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-142

Ordinance No. 2013-270
(Int. No. 303)

Establishing Maximum Compensation For A Professional Services Agreement For Health Insurance Administration

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

Section 1. The sum of \$3,750,000, 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 MVP Health Care for administration of health insurance plans for City employees and retirees for a term of three years, commencing January 1, 2014. Said amounts shall be funded from the 2013-14 and subsequent Budgets for Undistributed Expense, subject to the adoption of subsequent budgets. No surety bond or letter of credit is required of MVP.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-271
Re: Amending Ordinance No. 2013-115 -
City's Workers' Compensation Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2013-115, which authorized an agreement with PMA Management Corporation for the administration of the City workers' compensation program. This amendment will add the options for two one-year renewal periods. The original ordinance authorized a three year agreement with PMA. The renewal options were inadvertently omitted.

The annual cost of \$58,750 will remain as originally authorized, and will be financed from the Undistributed funds of the annual budgets (2016-17 and

2017-18) contingent upon their approval.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-271
(Int. No. 304)

Authorizing Options For The Agreement For The Administration Of The City's Workers' Compensation Program

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

Section 1. The Council hereby approves the addition of two one-year options in the amount of \$58,750 annually to the professional services agreement between the City and PMA Management Corp. for the administration of the City's Workers' Compensation Program as approved in Ordinance No. 2013-115. Said options shall be funded from the 2016-17 and 2017-18 Budgets for Undistributed Expense, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2013-272
Re: Firefighters' Insurance Fund

Transmitted herewith for your approval is legislation authorizing expenditures from the Firefighters' Insurance Fund ("Two Percent Fund") as per the Settlement Agreement between the Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO and the City of Rochester dated August 7, 2012. The legislation will:

1. Appropriate a total of \$310,000 from the Firefighters Insurance Fund at the request of the Rochester Firefighters Two Percent Committee ("TPC") to benefit City firefighters.
2. Appropriate a total of \$374,595.37 from the Firefighters' Insurance Fund for uses nominated by the City to benefit City firefighters.

The Firefighters' Insurance Fund is the City Fund established to collect and distribute monies received from the State pursuant to Sections 9104 and 9105 of the Insurance Law, and is under the custody of the City Treasurer.

Ordinance No. 2012-313 authorized the settlement agreement resulting from litigation brought by Rochester Firefighters, Local 1071. These funds must be used in a manner that is consistent with the Court Order and with the provisions of Insurance Law Sections 9104 and 9105. Fund expenditures must be for the benefit of firefighters as provided in statutory law, case law, administrative rules and

regulations, and the New York State Comptroller's Opinions.

In accordance with the Settlement Agreement, the firefighters have formed a not-for-profit corporation named the Rochester Firefighters Two Percent Committee ("TPC") to be the firefighters' representative for purposes of the Fund. Items to be paid from the Fund may be nominated by the firefighters or by the City.

The following are firefighter nominated items submitted by the TPC to be appropriated from the Firefighters' Insurance Fund:

- 1) \$90,000 for the fire house items set forth in Section 1G of the original agreement.
- 2) \$200,000 for Fire House items not identified in Section 1G of the agreement.
- 3) \$20,000 for legal and accounting expenses.

The following are City nominated items submitted by the TPC to be appropriated from the Firefighters' Insurance Fund:

Remainder of Settlement Agreement disbursements (Section 2C of the Settlement Agreement between the City and the Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO -\$195,298.93):

- 1) Work pants, three sets per firefighter (\$75,000).
- 2) Balance applied to expenditures previously approved for fire house repairs, (including Engine 17/Headquarters) (\$120,298.93).

2013-2014 Allocation of the Two Percent Fund (Section 2A(2) of the Settlement Agreement - \$179,296.44):

- 1) \$5,000 per fire house for, and not limited to, appliances, appliance installation and/or furnishings (\$75,000).
- 2) Linen and Laundry expense (\$85,000).
- 3) Remainder for fiber installation projects at one or more of the fire houses and previously agreed upon expenditures for fire house repairs (\$19,296.44).

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-272
(Int. No. 305)

Appropriating Firefighters' Insurance Funds

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

Section 1. The following funds are hereby appropriated from the Firefighters' Insurance Fund for the following purposes to benefit the firefighters

of the City:

City Nominated Items:

Remainder of Settlement Agreement disbursements (Section 2C of the Settlement Agreement between the City and the Rochester Firefighters, Inc., Local 1071, IAFF, AFL-CIO - \$195,298.93):

- Work pants, three sets per firefighter (\$75,000).
- Balance applied to expenditures previously approved for fire house repairs, (including Engine 17/Headquarters) (\$120,298.93).

2013-2014 Allocation of the Two Percent Fund (Section 2A(2) of the Settlement Agreement - \$179,296.44):

- \$5,000 per fire house for, and not limited to, appliances, appliance installation and/or furnishings (\$75,000).
- Linen and Laundry expense (\$85,000).
- Remainder for fiber installation projects at one or more of the fire houses and previously agreed upon expenditures for fire house repairs (\$19,296.44).
- City Total: \$374,595.37.

Firefighter Nominated Items:

- \$90,000 for fire house items set forth in Section 1G of the Settlement Agreement.
- \$200,000 for fire house items not set forth in Section 1G of the Settlement Agreement, to be approved by the Two Percent Committee in accordance with New York State Comptroller's Opinions and Sections 9104 and 9105 of the Insurance Law.
- \$20,000 to Local 1071 for reimbursement of legal and accounting expenses.
- Firefighter Total: \$310,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-273
Re: Budget Amendments - Rochester Public Library

Transmitted herewith for your approval is legislation amending the 2013-14 Budget of the Library as follows:

- 1. To reflect receipt of New York State Education Department funds ("Bullet Aid" to libra-

ries) in the amount of \$62,000, which will be used for the following purposes:

- Tutoring/classwork services in Northwest Quadrant branch libraries \$20,000
 - Technology and collections in Southwest Quadrant branch libraries 27,000
 - Collections at the Central Library 15,000
- \$62,000

The funding for the Northwest Quadrant branches and for the Central Library was made possible through the efforts of State Senator Joseph E. Robach. The Northwest Quadrant funding will support instruction to English speakers of other languages, GED tutoring, and citizenship coursework at the Maplewood, Charlotte and Lyell branch libraries. Related professional services will be secured through existing term agreements. The funding for Central Library will enhance the health-related collection to support RPL's role in assisting patrons with the new health insurance marketplace measures mandated by the federal government.

Southwest Quadrant funding, made possible through the efforts of Senator Michael H. Ranzenhofer, will support the purchase of additional patron computers and materials for the Arnett, Wheatley and Highland branch libraries.

2. To transfer \$25,400 from Contingency to support the Central Library's assumption of staffing of the High Falls Museum/Interpretive Center. This amount will allow for the conversion of a part-time position to a temporary full-time position and for additional support staff hours for 2013-14.

The City's contract for operation of the museum, which expired in July 2013, was not renewed. Funding this full-time position allows the City to achieve cost reductions while maintaining compliance with NYS Historic Preservation Office requirements for operation of the museum. In addition, staffing the position through the Central Library will bring the benefit of oversight by the Office of the City Historian to develop programming that best relates the history of Brown's Race and its role in Rochester's development. The City will continue to move forward with plans for repositioning the High Falls Center in a manner that enhances the historic High Falls District and maximizes the facility's potential.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-273
(Int. No. 336)

Amending The 2013-14 Budget For Library Grants And High Falls

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

Section 1. Ordinance No. 2013-160, the 2013-14 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 \$62,000, which amount is hereby appropriated from grant funds from the New York State Department of Education.

Section 2. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,400 from the Contingency allocation to the Rochester Public Library to fund staffing of the High Falls Museum/Interpretive Center.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-274
Re: 2012-13 Year End Budget Amendments

Transmitted herewith for your approval is legislation amending the 2012-13 Budget. This legislation will:

1. Transfer \$1,750,000 from Contingency to Cash Capital to fund one-time capital expenditures.
2. Transfer \$615,000 from Undistributed to Cash Capital to fund one-time capital expenditures.

The City Council has previously authorized 33 other amendments to the 2012-13 Budget, and included five appropriation transfers and 28 appropriation increases based upon the receipt of additional revenues.

Actual receipts and expenditures for 2012-13 will be audited by the City's external auditors Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

Increased Cash Capital

The proposed increase to the Cash Capital allocation is to fund capital projects as follows:

1. \$1,000,000 in additional funding for the Midtown Redevelopment Project to allow for repair work necessary for the garage and tower rehabilitation.
2. \$200,000 in additional Home Ownership funds. This will provide additional funds for a variety of Home Ownership programs to meet current demand.
3. \$125,000 to replace the Gantt Community Center gymnasium rubber floor. Replacement of the floor was not planned for in the original

scope of the renovation; however, due to its poor condition and the extent of improvements presently under construction this will be added to the project.

- 4. \$125,000 for miscellaneous critical building deficiencies identified at the Blue Cross Arena, including exterior door replacement and security cameras.
- 5. \$100,000 for sinkhole repair needed at Brown's Race. A settling issue in the parking area in front of the Gorsline Building has been identified and requires repair.
- 6. \$400,000 for additional Focused Investment Strategy funds. This will not only allow flexibility in development of the 2014-15 budget, but provide additional resources to Neighborhood & Business Development (NBD) for projects seeking funding in 2013-14.
- 7. \$400,000 for additional Acquisition and Economic Development funds. This will also allow for flexibility in development of the 2014-15 budget, as well as provide funds for NBD to address new projects.
- 8. \$15,000 in Library materials. These funds will be used to support the Raising a Reader program, which fosters collaboration between the Rochester Public Library and area Head Start Agencies to give parents the tools they need to help children develop early literacy skills.

The City Senior Management Team effectively managed their 2012-13 operating budgets, with actual spending less than 2012-13 Budget allocations. Savings from the conversion to self-insurance for health care, and the combination of one-time adjustments and early payment of the retirement bill, resulted in lower than budgeted Undistributed costs for 2012-13, allowing for the flexibility to appropriate these additional capital funds.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-143

Ordinance No. 2013-274
(Int. No. 341)

Amending The 2012-13 Budget For The Year-End Closeout

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

Section 1. Ordinance No. 2012-229, the 2012-13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,750,000 from the Contingency allocation to the Cash Capital allocation.

Section 2. Ordinance No. 2012-229, the 2012-

13 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$615,000 from Undistributed Expense to the Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
August 13, 2013

To the Council:

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

Int. No. 306 - Authorizing The Sale Of Real Estate

Int. No. 307 - Authorizing The Acquisition Of 965 Maple Street

Int. No. 308 - Authorizing An Agreement For The Lease Of Farmland

Int. No. 309 - Authorizing The Lead Hazard Control Grant Program In The JOSANA Neighborhood

Int. No. 310 - Authorizing An Agreement For The Citizen U Youth Engagement Project And Amending Ordinance No. 2011-289

Int. No. 311 - Authorizing Agreements For Phase 4 Of The Exterior And Security Rehabilitation Program For Landlords

Int. No. 337 - Authorizing Agreements for Phase 3 Of The Exterior And Security Rehabilitation Program For Owner-Occupants, Repealing Ordinance No. 2012-92 And Amending Ordinance No. 2012-291

Int. No. 338 - Authorizing An Agreement For The Emergency Solutions Grants Program And Amending Ordinance No. 2013-42

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

Int. No. 312 - Changing The Zoning Classification Of 705 And 707-711 Maple Street And 225 And 233 Ames Street From C-1 Neighborhood Center To M-1 Industrial

The following entitled legislation is being held in Committee:

Int. No. 313 - Changing The Zoning Classification Of 1483 And 1487 North Clinton Avenue From C-2 Community Center To M-1 Industrial

Int. No. 339 - Appropriating Funds And Authorizing Agreements For The Emergency Assistance Repair Program, As Amended

Int. No. 340 - Authorizing Agreements For The Owner-Occupant Repair Program, As Amended

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Jacklyn Ortiz
Lovely A. Warren (Did not vote on Int. Nos. 306 through 311)
Dana K. Miller
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-275
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of fifteen properties. City records have been audited to ensure that, with the exception of those buying unbuildable vacant land, purchasers:

- Do not own other properties with code violations or delinquent taxes, and
- During the past five years have not been in contempt of court or fined as a result of an appearance ticket issued by the Bureau of Inspection and Compliance Services.

The first property is a vacant lot, which is being sold to the adjacent owner who will combine the lot with her current parcel.

The next fourteen 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 fifteen properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,704.

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. AM-144

Ordinance No. 2013-275
(Int. No. 306)

Authorizing The Sale Of Real Estate

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

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
23-25 Sixth St	106.60-2-72	40x120	4,800	\$425	Maggie Irons

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>
E Pt of 272-274 Ames St	E Pt of 120.25-3-66	31x52	1,612	670 Maple Street Assn, LLC*
W Pt of 272-274 Ames St	W Pt of 120.25-3-66	31x61	1,891	Benny JD & Deborah Conn
EH of 852 Ave D	EH of 091.81-2-65	18x103	1,854	Steve Gonzalez
WH of 852 Ave D	WH of 091-81-2-65	18x103	1,854	Lue Esther Robinson
145 Glenwood Av	105.35-1-7	33x66	2,178	Clifford McComber & George Bauerschmidt

EH of 22 Joseph Pl	EH of 091.79-3-18	17x110	1,956	Juan B. Cruz
WH of 22 Joseph Pl	WH of 091.79-3-18	17x110	1,956	Patricia Clarke-Vanzie
9 Lamberton Pk	120.43-2-58	38x107	4,066	Puschkin, Inc.**
265-267 Murray St	105.65-1-55	72x64	4,068	Jessica T. Tapper
270 North St	106.72-1-14	28x91	1,706	Timothy K. Bayer
90 Ravine Av	105.35-2-48	35x66	2,450	Bertram Gamory
150 Roycroft Dr	091.82-1-76	34x74	2,516	Mark Sawyer
14 Santee St	105.49-3-81	50x80	4,000	Richard Lochner
73 Sherman St	105.66-2-15	25x110	2,748	Jarrold D. Alston

- * Corporation Members: Richard A. Arndt, Member; Phillip L. Race, Member
- ** Principals: Francois Puschkin, Owner; Christine Puschkin, 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 immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-276
Re: Acquisition - 965 Maple Street

Transmitted herewith for your approval is legislation authorizing the acquisition of 965 Maple Street, a 2.52 acre site improved with a warehouse/retail facility of approximately 27,360 square feet. This site is proposed for the relocation of the Parks Operations/Maintenance unit of the Department of Environmental Services and the DES storage facility currently located at 400-420 Dewey Avenue. The total acquisition cost, including closing cost expenses, will not exceed \$320,000 and will be funded from 2012-13 Cash Capital.

The Dewey Avenue facility is structurally unsound. An evaluation of the necessary repairs has determined that relocation would be more cost effective. The Maple Street site provides proximity to the DES Mt. Read Boulevard Operations Center, and the building provides needed functional utility, including 2 drive-through bays that will be utilized for vehicle and equipment maintenance and cleaning, 15' clear span interior ceiling heights, interior storage areas, a fully-fenced area to the rear of the building, elevated and at-grade shipping/receiving areas, and level areas for exterior material and vehicle storage as well as a small area of built-out interior office space. DES employees and operations will move to this building and site immediately upon final closing of the transaction.

The current owner of the site, Vava Realty, Inc. (d/b/a Mr. Seconds), has listed the property for sale with a commercial broker. The purchase price of \$295,000 was established through negotiation, and substantiated by an independent appraisal prepared on April 25, 2013 by Kevin Bruckner, MAI.

A Phase I and Phase II Environmental Review was completed, and no environmental issues were identified.

All charges associated with this property, as well as future City taxes, water and refuse, will be cancelled upon the date of transfer.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-145

Ordinance No. 2013-276
(Int. No. 307)

Authorizing The Acquisition Of 965 Maple Street

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

Section 1. The Council hereby approves the acquisition of 965 Maple Street, SBL No. 120-32-1-1, from Vava Realty, Inc (d/b/a Mr. Seconds), for an amount not to exceed \$295,000.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$320,000, including acquisition and closing costs, and said amount, or so much thereof as may be necessary, shall be funded from the 2012-13 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-277
Re: Lease Agreement - Town of Rush Land

Transmitted herewith for your approval is legislation authorizing an agreement with Chase Farm Partnership for the continued lease of a 7.7 acre portion of City-owned land on E. Henrietta Road in the Town of Rush. The members of the Chase Farm Partnership are William and Selden Chase. The 14 acre site was acquired by the City in 1990 in conjunction with the Rush Reservoir Rehabilitation Project for use as a sediment depository.

The Reservoir project was completed in 1992. Seldon Chase has leased this site from the City since 2003; it is used for growing alfalfa and timothy hay. The lease was last authorized in 2008 (Ord. No. 2008-53). The legislation proposed herein will authorize a new five-year lease commencing December 1, 2013.

The proposed annual rental rate of \$54.55 per acre, or \$420 per year, is \$24.55 more per acre than the current rate. The rate was established through a sealed bid process. Due to the land's agricultural use, the number of potential lessees for the parcel is limited. As the previous lease neared expiration, the City marketed the property through a sealed bid offering that was advertised in local newspapers, on the City's website and by letters of solicitation to property owners in close proximity. The selected high bid was the only formal bid received by the City.

Chase Farm Partnership will continue to use the parcel for agricultural purposes. Chase Farm Partnership will also assist the City in obtaining agricultural assessment status under Section 1224 of the NYS Real Property Tax Law. This is necessary for the City to obtain an agricultural exemption on the parcel in order to reduce the property taxes.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-146

Ordinance No. 2013-277
(Int. No. 308)

Authorizing An Agreement For The Lease Of Farmland

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Chase Farm Partnership for the lease of approximately 7.7 acres of farmland owned by the City in the Town of Rush. The agreement shall extend for a term not to exceed five years, commencing December 1, 2013, with rent of \$54.55 per acre per year. Chase Farm Partnership shall assist the City in obtaining an agricultural assessment for this property.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-278
Re: 2012 Lead Hazard Control Grant Program - JOSANA Neighborhood

Transmitted herewith for your approval is legislation authorizing the use of \$200,000 from prior years' Cash Capital to extend the Lead Hazard Control Program in the JOSANA neighborhood.

Ordinance No. 2012-288 (July 2012) appropriated HUD funding and authorized agreements for the Lead Hazard Control Grant Program. Those agreements will remain as authorized. The additional Cash Capital funds will allow the City to provide assistance to a minimum of ten owner-occupied and investor-owned properties in the JOSANA neighborhood. All of the standards and procedures of the Lead Hazard Control Grant Program, as described in the transmittal letter accompanying Ordinance No. 2012-288, will apply.

In order to achieve more comprehensive neighborhood revitalization, the City has been implementing rehabilitation programs associated specifically with existing neighborhood plans and planned development projects. The JOSANA Neighborhood Master Plan, released in December 2010, specifically calls for a mix of demolition, strategic rehabilitation, and infill development of single-family homes. The City has pursued active demolition of blighted properties in JOSANA in the last few years, and developers, including Habitat for Humanity, have constructed upwards of thirty new single-family homes for both rental and homeownership since 2007.

In combination with the HUD appropriation, these additional funds facilitate the JOSANA Plan recommendation to repair the residential fabric of the neighborhood. Strategic rehabilitation will further support the planned development of new rental units currently being pursued.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-278
(Int. No. 309)

Authorizing The Lead Hazard Control Grant Program In The JOSANA Neighborhood

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

Section 1. The sum of \$200,000 shall be funded from the Cash Capital allocation from prior years to fund the Lead Hazard Control Grant Program in the JOSANA Neighborhood, in addition to the general funding provided in Ordinance No. 2012-288.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Lead Hazard Control Grant Program in the JOSANA Neighborhood.

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. 2013-279
Re: Focused Investment Strategy Areas
Youth Engagement Program

Transmitted herewith for your approval is legislation related to the implementation of "Citizen U" in Focused Investment Strategy Areas in the four quadrants of the city. Citizen U is a statewide youth engagement program developed in conjunction with Cornell University. This legislation will:

1. Authorize an agreement with Cornell Cooperative Extension in a maximum amount of \$69,943 for implementation of the program.
2. Appropriate \$22,654 from the Neighborhood and Asset-Based Planning Fund, Focused Investment Strategy account of the 2013-14 Consolidated Community Development Plan to partially fund the agreement.
3. Amend Ordinance No. 2011-289 to reduce the amount of the 2009-10 Community Development Block Grant funds appropriated for the Rochester Explorers Program by \$32,649, and reappropriating that amount

Plan to partially fund the agreement.

4. Authorize \$14,640 from the 2009-10 City Development Fund Plan to partially fund the agreement.

Additional funding from Cornell Cooperative Extension in the amount of \$18,974 will support the program.

The Rochester Explorers Program was established in September, 2011 through a collaboration of City Neighborhood and Business Development Department staff and community partners, including: Cornell Cooperative Extension of Monroe County, Cornell University, Rochester AmeriCorps, Rochester Youth Year, and the Safety Net Organizations. The State, which is sponsoring the 4-H portion of the Program, has requested that all programs have the same title Citizen U, which emphasizes the connection to Cornell University. Ordinance No. 2011-289 authorized funding for the first year of this project. The requested amendment will allow funds remaining from the end of that term to be used for 2013-14. An additional component of the Program will be youth summer employment for 60 youth ages 14 to 18 during the summer of 2014. A Request for Proposal process will identify an agency to implement that portion of the Program and Council will be requested to approve the agreement after the RFP process is completed.

The project supports youth in achieving four goals: civic engagement, job readiness, career exploration, and college preparation for youth who live, attend school or are connected with an agency in the FIS areas of the Southwest, Southeast, Northwest and Northeast.

The program is expanding to the north side of the City. A total of 60 youth ages 14-16 (15 in each quadrant) will be recruited from the four FIS areas to work on projects proposed in the respective FIS Implementation Plans. The program will operate from October 1, 2013 to August 31, 2014 twice a week, from 4:00 to 6:00 p.m., and on some Saturdays. Activities will be determined primarily by the youth and coordinated by staff (a coordinator, and one part-time position due to the elimination of AmeriCorps in the Community). Participants will be offered work experience at different sites for summer employment.

A project description and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-147

Ordinance No. 2013-279
(Int. No. 310)

Authorizing An Agreement For The Citizen U Youth Engagement Project And Amending Ordinance No. 2011-289

BE IT ORDAINED, by the Council of the City

of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Cornell Cooperative Extension for implementation of the Citizen U Youth Engagement Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$69,943, and of said amount, or so much thereof as may be necessary, \$22,654, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2013-14 Community Development Block Grant, \$32,649 is reappropriated 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 and \$14,640 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. The agreement shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. Ordinance No. 2011-289, relating to agreements for Focused Investment Strategy Projects, is hereby amended by reducing the amount authorized and appropriated in Section 4 thereof 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 to fund the Rochester Explorers Program, by the sum of \$32,649, which amount is reappropriated herein to fund the Citizen U Youth Engagement Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-280
Re: Focused Investment Strategy -
Exterior And Security
Rehabilitation Program
For Landlords, Phase 4

Transmitted herewith for your approval is legislation related to the Exterior and Security Rehabilitation Program for Landlords, a component of the City's Focused Investment Strategy. This legislation will:

1. Appropriate \$750,000 from the 2013-2014 Neighborhood and Asset-Based Planning Fund of the Community Development Block Grant for operation of the program.

2. Establish \$76,000 as maximum compensation for an agreement with NeighborWorks Rochester, Inc. to provide application intake services for the program. The cost of the agreement will be funded from the Neighborhood and Asset-Based Planning Fund of the 2013-14 Community Development Block Grant.

3. Authorize \$20,000 as aggregate maximum compensation for term agreements with three firms for lead hazard evaluation services. The cost will be funded from the Neighborhood and Asset-Based Planning Fund of the 2013-2014 Community Development Block Grant.

Lew Corporation
Mountainside NJ

Envoy Environmental Consultants, Inc.
Rochester 14608

Environmental, Testing & Consulting Inc.
Batavia, NY

Phase 3 of this program (authorized via Ord. No. 2012-93) is approaching full enrollment of approximately 40 properties.

Phase 4 of this program will continue to provide financial resources to Landlords to provide exterior repairs and to control lead-based paint hazards. In addition to the \$750,000 in CDBG funds, \$250,000 in 2012-13 Cash Capital will be used to provide financial assistance to approximately 30 eligible properties at an average of \$33,000 per property. Properties will continue to conform to the established design standards and must receive a lead-based paint clearance at the conclusion of the project. Funding for this program will also allow for landscaping treatments not to exceed \$1,000 per property.

NeighborWorks Rochester will continue to provide application intake services for each enrolled property. They have provided these services for Phase 1, 2, and 3 and performed to the satisfaction of the City.

Each enrolled property will require a lead-based paint inspection/risk assessment to address any existing lead-based paint hazards. The consultants listed above will provide these services at an average cost of \$650 per property. It is anticipated assignment of work will be distributed equally among the firms, but will depend on availability and capacity.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-148

Ordinance No. 2013-280
(Int. No. 311)

**Authorizing Agreements For Phase 4 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 sum of \$750,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2013-14 Community Development Block Grant to fund Phase 4 of the Exterior and Security Rehabilitation Program for Landlords, and \$250,000 shall be funded from the 2012-13 Cash Capital allocation.

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

Section 3. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester, Inc. to provide administrative services for Phase 4 of the Exterior and Security Rehabilitation Program for Landlords as a part of the Focused Investment Strategy Program. The agreement shall obligate the City to pay an amount not to exceed \$76,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1.

Section 4. The Mayor is hereby authorized to enter into agreements with the following in an aggregate amount not to exceed \$20,000 for lead hazard evaluation services for the Program. The agreements shall be funded from the appropriation made in Section 1.

Environmental Testing & Consulting, Inc.

Envoy Environmental Consultants, Inc.

Lew Corporation

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The agreements shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-281
Re: Focused Investment Strategy,
Exterior And Security
Rehabilitation Program
For Owner-Occupants

Transmitted herewith for your approval is legislation related to Phase 3 of the Exterior and Security

Rehabilitation Program for Owner-Occupants which is a component of the City's Focused Investment Strategy.

Funding and agreements for implementation of Phase 3 were originally authorized via Ordinance No. 2012-92, and subsequently amended via Ordinance Nos. 2012-291 and 2012-463. The review of the administration of rehabilitation programs was undertaken at approximately the same time, and the agreement with NCS Community Development Corporation was not executed and that legislation is no longer needed. The review resulted in recommendations for improvements, which have been incorporated into the legislation proposed herein. Specifically, this legislation will:

1. Repeal Ordinance No. 2012-92 and Section 5 of Ordinance No. 2012-291, which allocated funds for windows for the program.

Ordinance No. 2012-463, which also amended the original legislation, will remain in effect, except that the 2012-13 Cash Capital allocation authorized therein for support of the agreement authorized in Ordinance No. 2012-92 is no longer needed.

2. Establish maximum compensation totaling \$1,900,000 for agreements with four agencies for application intake and construction management services for the program, as summarized below. The cost of the agreements will be financed from the FIS accounts of the Neighborhood and Asset Based Planning Funds of the 2012-13 (\$1,575,838) and 2013-14 (\$124,162) Community Development Block Grants, and 2012-13 Cash Capital (\$200,000).

<u>Agency</u>	<u>2012-13 CDBG</u>	<u>2013-14 CDBG</u>	<u>2012-13 Cash Capital</u>	<u>Total</u>
NCS Community Development Corporation	\$ 300,000		\$ 50,000	\$ 350,000
South Wedge Planning Committee	300,000		50,000	350,000
Marketview Heights Community Association	450,000		50,000	500,000
Northeast Area Development	525,838	\$124,162	50,000	700,000
Total	\$1,575,838	\$124,162	\$200,000	\$1,900,000

- Appropriate \$88,000 from the Focused Investment Strategy account of the 2011-12 Neighborhood and Asset Based Planning Fund of the Community Development Block Grant to partially support the \$180,000 cost of windows for the program. The remaining \$92,000 will be funded from 2012-13 Cash Capital.
- Establish \$32,000 as maximum aggregate compensation for agreements with the consultants listed below to provide lead-paint risk assessments for the program. The cost will be funded from 2012-13 Cash Capital.

Environmental Testing & Consulting	Batavia NY
Envoy Environmental	Rochester
NeighborWorks Rochester	Rochester
LEW Corporation	Mountainside NJ

This program provides funding to owner-occupants for exterior repairs, to control lead-based paint hazards, and for landscaping treatment (up to \$1,000 per property). Enrolled properties are required to have a lead-based paint inspection/risk assessment and a lead-based paint clearance at the conclusion of the project. Repairs must also conform to established design standards.

A total of 78 properties were completed through Phases 1 and 2 of the program. Funding proposed for Phase 3 will provide financial assistance to approximately 57 eligible properties at an average of \$30,000 per property.

The increase in funding for the program will address the delay in implementation of Phase 3 resulting from the program review. The allocations also ensure comparable City funding for each of the four FIS areas.

NCS Community Development Corporation will no longer act as the single fiduciary agent for the program as they did during Phase 2. Instead, as recommended in the program review, the individual agencies providing application intake and construction services for Phase 3 will act as their own fiduciary agents.

The City will enter into agreements only with organizations that are in compliance with Federal regulations. All contracts will be for one year with the option to extend for an additional year if there are funds remaining in the original appropriation.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-149

Ordinance No. 2013-281
 (Int. No. 337)

Authorizing Agreements For Phase 3 Of The Exterior And Security Rehabilitation Program For Owner-Occupants, Repealing Ordinance No. 2012-92 And Amending Ordinance No. 2012-291

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 agencies for Phase 3 of the Exterior and Security Rehabilitation Program for Owner-Occupants as a part of the Focused Investment Strategy Program:

<u>Agency</u>	<u>Amount</u>
Northwest Community Services CDC	\$ 350,000
Marketview Heights Community Association	500,000
Northeast Area Development	700,000
South Wedge Planning Committee	350,000
Total	\$1,900,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$1,900,000, and of said amount, or so much thereof as may be necessary, \$1,575,838 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2012-13 Community Development Block Grant, \$124,162 is here-

by appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2013-14 Community Development Block Grant, and \$200,000 shall be funded from the 2012-13 Cash Capital allocation.

Section 3. The Mayor is hereby authorized to enter into agreements with the following in an aggregate amount not to exceed \$32,000, to be funded from the 2012-13 Cash Capital allocation, for lead hazard evaluation services for the Program:

- Environmental Testing & Consulting, Inc.
- Envoy Environmental Consultants, Inc.
- Lew Corporation
- NeighborWorks Rochester

Section 4. The sum of \$88,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account) of the 2011-12 Community Development Block Grant, and \$92,000 shall be funded from the 2012-13 Cash Capital allocation, to fund windows for the Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The agreements shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 6. Ordinance No. 2012-92, authorizing an agreement for Phase 3 of the Exterior and Security Rehabilitation Program for Owner-Occupants, is hereby repealed. Section 5 of Ordinance No. 2012-291, which amended Ordinance No. 2012-92, is hereby repealed.

Section 7. The transfer of Community Development Block Grant funds authorized in Ordinance No. 2012-463 shall remain in place; however, the use of funds from the 2012-13 Cash Capital allocation for the agreement authorized in Ordinance No. 2012-92 is no longer required as a result of the repeal of that ordinance.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-282
Re: 2013-14 Consolidated Community
Development Plan - Emergency
Solutions Grants

Transmitted herewith for your approval is legislation related to the 2013-14 Emergency Solutions Grants Program for Homelessness Prevention and

Rapid Re-Housing as described in the Consolidated Community Development Plan (Con Plan). This legislation will:

1. Appropriate an amount not to exceed \$179,340 from the Housing Choice Fund allocation (Emergency Solutions Grants Program account) of the 2013-14 Con Plan for implementation of the program.
2. Amend Ordinance No. 2013-42 by rescinding the \$28,418 appropriated and authorized therein for an agreement with United Way Services Corporation, and re-appropriate that amount for Rapid Re-Housing services. The funds were originally intended to support a coordinator for the Continuum of Care (CoC) to be hired by United Way. Since then, the CoC has identified other funding sources.
3. Establish \$207,758 as maximum compensation for an agreement with Coordinated Care Services, Inc. (CCSI) to coordinate housing and support services to be provided by a consortium of agencies. The cost of the agreement will be financed from the appropriations herein.

A consortium of agencies, in collaboration with CCSI as the coordinator and fiduciary, will provide services to individuals and families who are homeless or at imminent risk of homelessness. These agencies include: Alternatives for Battered Women, The Center for Youth Services, The Housing Council, Spiritus Christi Prison Outreach, YWCA of Rochester and Monroe County, Wilson Commencement Park, and the Monroe County Department of Human Services. Services include: housing stabilization case management; and housing search, placement, rent, and financial assistance such as arrears, security deposits, moving and storage.

The federal Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH): Emergency Solution Grants Program requires that grantees (City and County) collaborate with the community of homeless service providers. To that end, the request for proposal and review processes were conducted jointly with Monroe County. Proposal selection was based on priorities established by the Rochester/Monroe County Continuum of Care and by recommendations provided in the *Homeless Resolution Strategy - Rochester and Monroe County Final Report* authored by Housing Innovations, Inc. Additional information about the selection process is described in the attached summary.

The term of the agreement will be for one year, with the option to extend for an additional year if funds remain in the original appropriation.

This legislation supports the City Housing Policy's Section 4: Promote Housing Choice.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-150

Ordinance No. 2013-282
(Int. No. 338)

Authorizing An Agreement For The Emergency Solutions Grants Program And Amending Ordinance No. 2013-42

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Coordinated Care Services, Inc. for homeless prevention and rapid rehousing services under the Emergency Solutions Grants Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$207,758, and of said amount, or so much as may be necessary, \$179,340 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Grants Program Account) of the 2013-14 Consolidated Plan and \$28,418 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Program Account) of the 2011-12 Emergency Solutions Grant.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations. The agreement shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 4. Ordinance No. 2013-42, relating to an agreement for the Rochester/Monroe County Continuum of Care, as amended, is hereby further amended by repealing Sections 1, 2 and 3 thereof.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spauld abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-283
Re: Zoning Map Amendment - Maple Street and Ames Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning seven properties from C-1

Neighborhood Center District to M-1 Industrial District. The subject properties include: 705 and 707-711 Maple Street and 199, 205, 209-221, 225, 233 Ames Street.

John Loiacono, owner of the properties at 705 and 707-711 Maple Street and 225 and 233 Ames Street, is requesting the rezoning to allow his business, Concord Electric located at 705, 707-711 Maple Street, to expand onto the vacant land located at 225 and 233 Ames Street. Concord Electric is a legal, nonconforming manufacturing use in the C-1 District. Approving this rezoning request would allow them to expand as of right under the permitted uses in the M-1 District. Under the current C-1 Zoning, Concord Electric would be required to obtain an area variance for each expansion request as an expansion of a nonconforming use.

The remaining properties at 199, 205, and 209-221 Ames Street are owned by Brinkman International which operates Davenport Machine, Inc., also a manufacturing use. Davenport Machine extends into the M-1 District to the south at 163-193 Ames Street. This rezoning would allow all of the Davenport Machine properties to be located in a Manufacturing District. Brinkman International has consented to the rezoning.

The City Planning Commission held an informational meeting on this rezoning on July 15, 2013. Two people spoke in support of the rezoning; no one spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended approval. The minutes and recommendation from that meeting are attached.

The rezoning would take effect immediately upon Council approval.

A public hearing on the rezoning is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-151

Ordinance No. 2013-283
(Int. No. 312)

Changing The Zoning Classification Of 705 And 707-711 Maple Street And 225 And 233 Ames Street From C-1 Neighborhood Center To M-1 Industrial

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 705 and 707-711 Maple Street, and 225 and 233 Ames Street, from C-1 Neighborhood Center to M-1 Industrial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New

York, being part of Town Lot 67 of the 20,000 Acre Tract and being more particularly bounded and described as follows: Beginning at the centerline intersection of Maple Street (66' ROW) and Ames Street (59.5' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said centerline of Ames Street, a distance of 414 feet, more or less, to the easterly extension of the south line of Lot 10 of the Diedrich Blum Subdivision, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 58; thence
- 2) Westerly, along said extension and the south line of Lot 10, a distance of 192.8 feet, more or less, to the southwest corner thereof; thence
- 3) Northerly, along the west line of Lots 5 thru 10 of said Diedrich Blum Subdivision, a distance of 220.0 feet to the southwest corner of Lot 4 of said Subdivision; thence
- 4) Easterly, along the south line of said Lot 4, a distance of 40.0 feet to the southeast corner thereof; thence
- 5) Northerly, along the east line of said Lot 4, a distance of 20.0 feet to the southwest corner of Lot 3 of said Subdivision; thence
- 6) Easterly, along the south line of said Lot 3, a distance of 40.0 feet to the southeast corner thereof; thence
- 7) Northerly, along the east line of said Lot 3 and it's extension, a distance of 173.5 feet, more or less, to the said centerline of Maple Street; thence
- 8) Easterly, along said centerline, a distance of 112.4 feet, more or less, to the said centerline of Ames Street, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Conklin - 1.

Councilmember Palumbo moved to discharge Int. No. 339 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-284
Re: Agreement - Action for a Better Community. Emergency Assistance Repair Program (EARP)

Transmitted herewith for your approval is legislation related to the Emergency Assistance Repair Program (EARP). This legislation will:

- 1. Appropriate \$350,000 from the 2013-2014 Neighborhood and Asset-Based Planning Fund allocation of the Community Development Block Grant for the City's use to operate the program; and
- 2. Establish \$45,000 as maximum compensation for an agreement with Action for a Better Community to provide customer services for the program (described below) to be funded from the above appropriation; and
- 3. Establish \$50,000 as maximum compensation for the cost of City water and sewer replacement projects to be funded from the above appropriation.

The EARP is a housing program designed to assist eligible homeowners to make emergency repairs to their homes. Eligible homeowners are those with household incomes at or below 80% of the area median income, are current with city property tax payments, and are in need of a sewer/water line replacement, hot water tank or furnace.

A total of \$255,000 is being proposed to operate EARP in-house, with the assistance of an outside agency to manage the application intake process. A City program manager will be responsible for overseeing the activities of the intake agency to ensure a smooth flow of applications from homeowners. The program manager will accept and approve applications, and be responsible for coordinating the work activities. The work will be undertaken by vendors through the use of term agreements with the City. Vendors will be responsible for responding to requests for services and will be required to provide services within four hours from the time of the request. It is expected that approximately 125 homeowners will be served.

To operate EARP, an agency will be needed to provide customer services (application intake). To obtain proposals, a request for proposal (RFP) was posted to the City's website on July 11, 2013. The RFP requested responses from qualified agencies that have a focus on providing affordable housing programs. Respondents were required to provide information about their history and capacity for providing housing programs, a budget, the approach for how to carry out the program elements and a marketing plan. A total of five agencies responded to the RFP. Each were evaluated and scored by a committee comprised of four City staff. The highest scoring proposal was Action for a Better Community, which is described in the attached summary.

A total of \$50,000 is being proposed for a water service program. This is not to be part of the

EARP program to be treated as an emergency repair. Rather, these funds will be used by the City to fund water lines for private property owners necessary for a public works project. Eligible applicants must have incomes at or below 80% of the area median income and be current with City property taxes.

The program is expected to begin by October 1, 2013 and will be completed by September 30, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-152

Ordinance No. 2013-284
(Int. No. 339, As Amended)

Appropriating Funds And Authorizing Agreements For The Emergency Assistance Repair Program

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

Section 1. The sum of \$350,000, or so much thereof as may be necessary, is hereby appropriated from the ~~Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset Based Planning allocation (Emergency Assistance Repair Program Account)~~ Housing Repair Programs of the 2013-14 Housing Development Fund of the Community Development Block Grant to fund the Emergency Assistance Repair Program to be operated by the City.

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

Section 3. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community to provide administrative services for the Emergency Assistance Repair Program. The agreement shall obligate the City to pay an amount not to exceed \$45,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1. The agreement shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

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

Section 5. The amount of \$50,000 is allocated for water and sewer line replacement to implement the Program, or so much thereof as may be necessary for the City's use, shall be funded from the appropriations made in Section 1.

Section 6. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Ortiz, Palumbo, Spaul - 7.

Nays - None - 0.

Councilmembers Miller and Scott both abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 313
Re: Zoning Map Amendment - 1483
And 1487 North Clinton Avenue

Transmitted herewith for your consideration is legislation amending the Zoning Map of the City of Rochester by rezoning 1483 and 1487 N. Clinton Avenue from C-2 Community Center District to M-1 Industrial District. Mr. Scott Chapman owns both 1483 and 1487 N. Clinton Avenue which are vacant lots. He also owns the adjacent properties at 43 and 57-61 Arthur Street which are currently zoned M-1. Mr. Chapman is requesting the rezoning so that all of his properties can be located within in the M-1 District which would allow him the opportunity for future expansion and growth of the properties on Arthur Street. He also wants to combine these properties into one tax account which he cannot do if the properties are in different zoning districts. Currently, these properties are used by various tenants for vehicle and equipment storage. Since both 1483 and 1487 N. Clinton are owned by the applicant, no other consent is required.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, July 15, 2013. One person spoke in support of the rezoning; no one spoke in opposition. However, the Planning Commission determined that the applicant did not have a clear picture of how he wanted to use these two properties in the future since he was unable to provide them with a master plan for the area or identify any specific uses for the properties. The Planning Commission also determined that rezoning these properties for the sake of combining all of the properties into one tax account, as the applicant stated in his testimony, did not, in and of itself, warrant a rezoning. In addition, at one point during the hearing, the applicant stated that he may want to pave these properties and use them as a parking lot for employees. In their deliberations, the Planning Commission noted that developing a parking lot could be done within the current C-2 Zoning. As a result, the Planning Commission determined that without more specific plans for these properties, the uses that are permitted in the M-1 District could negatively impact this area and severely encroach into the existing C-2 District. Therefore, by a vote of 0-5-0, the Planning Commission recommended denial of this rezoning request.

Since the City Planning Commission can only

make a recommendation on a zoning change and only the City Council can take final action, Mr. Chapman has the right to have the rezoning considered by City Council.

A public hearing is required for the zoning map amendment.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 313

CHANGING THE ZONING CLASSIFICATION OF 1483 AND 1487 NORTH CLINTON AVENUE FROM C-2 COMMUNITY CENTER TO M-1 INDUSTRIAL

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1483 and 1487 North Clinton Avenue, from C-2 Community Center to M-1 Industrial:

All that tract of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Farm Lot 44 of the 1000 Acre Tract, and being more particularly bounded and described as follows: Beginning at the centerline intersection of Arthur Street (50' ROW) and North Clinton Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southerly, along said centerline of North Clinton Avenue, a distance of 111 feet, more or less, to the easterly extension of the south line of lands conveyed to 65 Arthur Street, LLC by a deed filed in Liber 11254 of Deeds, Page 679; thence
- 2) Westerly, along said extension and the south line of lands of 65 Arthur Street, LLC, on a line parallel with and 2.0 feet south of the north line of Lot 27 of the Estate of Mary Wales Subdivision, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 97 and Liber 23 of Maps, Page 33, a distance of 145.1 feet, more or less, to the west line of said Lot 27; thence
- 3) Northerly, along the west line of said Lot 27 and Lots 28 & 29 and their extension, a distance of 87.1 feet, more or less, to the said centerline of Arthur Street; thence
- 4) Easterly, along said centerline of Arthur Street, a distance of 157 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:

Introductory No. 340
Re: Agreements - Owner-Occupant Repair Program (OORP)

Transmitted herewith for your approval is legislation related to the Owner-Occupant Repair Program (OORP). This legislation will:

1. Appropriate \$837,000 from the 2013-2014 Neighborhood and Asset-Based Planning Fund allocation of the Community Development Block Grant to operate the program;
2. Establish \$329,000 as maximum compensation for an agreement with South Wedge Planning Committee to provide customer and construction management services for the program (described below).The cost of the agreement will be funded from the above appropriation;
3. Establish \$175,000 as maximum compensation for an agreement with the Greater Rochester Housing Partnership to provide customer and construction management services for the program (described below).The cost of the agreement will be funded from the above appropriation;
4. Establish \$196,000 as maximum compensation for an agreement with Northwest Community Services to provide customer and construction management services for the program (described below). The cost of the agreement will be funded from the above appropriation;
5. Establish \$25,000 as maximum compensation for an agreement with Environmental Testing and Consulting to provide lead hazard evaluation services for the program. The cost of the agreement will be funded from the above appropriation; and
6. Establish \$112,000 as maximum compensation for the cost of the windows to be used for the program to be funded from the above appropriation.

The management and allocation of funding for housing repair programs has been under review. In order to address some of the concerns that prompted the review, the City is restructuring the program. The Emergency Assistance Repair Program, as proposed in separate legislation this month, will address true emergency repairs, and will be operated primarily in-house. More extensive repairs will be addressed through the Owner-Occupant Repair Program.

The OORP is a housing rehabilitation program designed to assist eligible homeowners to make repairs to their homes. Eligible homeowners are those with household incomes at or below 80% of the area median income, and are current with city property tax payments. Eligible activities include:

roofing, window and door replacement, driveways, painting, siding, porch repair and/or replacement, security fencing, furnace repair/replacement, electrical services, and water and sewer line repair. Assisted owners will receive a lead-based paint inspection/risk assessment, and all lead-based paint hazards will be corrected. A program description is attached.

The OORP Program will provide assistance to each of the four quadrants of the City. The funding will be allocated according to the percentage of low to moderate income homeowners in each of the following areas: northeast 25%, southeast 29%, northwest 28% and southwest 18%. To operate OORP, independent agencies will be needed to provide customer services (application intake) and construction management. To obtain proposals, a request for proposal (RFP) was posted to the City's website on July 11, 2013. The RFP requested responses from qualified agencies that have a focus on providing affordable housing rehabilitation programs. Respondents were required to provide information about their history and capacity for providing rehabilitation programs, a budget, staffing plan that identifies what staff people would carry out the program elements, a marketing plan, and an identification of any matching funds that would be contributed to the program. Respondents were invited to provide services in one or more quadrants of the City. A total of five agencies responded to the RFP. Each were evaluated and scored by a committee comprised of four City staff. The highest scoring proposals were Greater Rochester Housing Partnership (serving the northeast quadrant), South Wedge Planning Committee (serving the southeast and southwest quadrants) and Northwest Community Services (serving the northwest quadrant). A vendor selection sheet is attached.

It is expected that the OORP Program will require window replacement as a standard activity. It is estimated that each property will require \$2,800 for windows. Accordingly, \$112,000 will be used by the City for window replacement. The City will utilize its current vendor agreement to supply the windows.

Lead hazard evaluation services will be needed for the program. To obtain proposals, a request for proposal (RFP) was posted to the City's website on July 17, 2013. The RFP requested responses from qualified lead hazard evaluation firms. Respondents were required to provide information about their history and capacity for providing services, a budget, and turn-around time for providing services. A total of five agencies responded to the RFP. Each were evaluated and scored by a committee comprised of three City staff. The highest scoring proposal was Environmental Testing & Consulting. A vendor selection sheet is attached.

The program is expected to begin by October 1, 2013 and will be completed by September 30, 2014.

Respectfully submitted,

Thomas S. Richards
Mayor

Introductory No. 340
As Amended

**AUTHORIZING AGREEMENTS FOR THE
OWNER-OCCUPANT REPAIR PROGRAM**

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

Section 1. The sum of \$837,000, or so much thereof as may be necessary, is hereby appropriated from the ~~Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Focused Investment Strategy Account)~~ Housing Repair Programs of the 2013-14 Housing Development Fund of the Community Development Block Grant to fund the Owner-Occupant Repair Program.

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

Section 3. The Mayor is hereby authorized to enter into an agreement with South Wedge Planning Committee to provide customer and construction management services for the Owner-Occupant Repair Program. The agreement shall obligate the City to pay an amount not to exceed \$329,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 4. The Mayor is hereby authorized to enter into an agreement with Greater Rochester Housing Partnership to provide customer and construction management services for the Program. The agreement shall obligate the City to pay an amount not to exceed \$175,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 5. The Mayor is hereby authorized to enter into an agreement with Northwest Community Services to provide customer and construction management services for the Program. The agreement shall obligate the City to pay an amount not to exceed \$196,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 6. The Mayor is hereby authorized to enter into an agreement with Environmental Testing and Consulting for lead hazard evaluation services for the Program. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The agreements authorized in Sections 3, 4, 5 and 6 shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation. The City shall only enter into agreements with organiza-

tions that are in compliance with Federal regulations.

Section 8. The amount of \$112,000 is allocated for the cost of windows to be used to implement the Program, or so much thereof as may be necessary for the City's use, shall be funded from the appropriations made in Section 1.

Section 9. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Held in Committee

By Councilmember Scott
August 13, 2013

To the Council:

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

Int. No. 314 - Authorizing An Application And Agreements And Accepting Easements For The Elmwood Avenue/College Town Cycle Track

Int. No. 315 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$252,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The City Building At 414 Andrews Street In The City

Int. No. 317 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Site Improvements Project

Int. No. 318 - Establishing Maximum Compensation For A Professional Services Agreement For Surveying Services

Int. No. 319 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Planning And Design Of The Reconstruction Of Various Water Mains Related To The Water Main Extension And Improvements Program In The City

Int. No. 320 - Amending The Municipal Code With Respect To Water Rates

Int. No. 321 - Authorizing An Agreement With The County Of Monroe For Traffic Signal Maintenance

Int. No. 322 - Authorizing An Agreement With The Rochester City School District For Safe Routes To School Mini-Grants

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

Int. No. 323 - Approving Changes In The Pavement Width Of Manor Parkway As Part Of The

Manor Parkway Improvement Project

Int. No. 324 - Amending The Official Map By Dedicating Parcels As Manor Parkway For The Manor Parkway Improvement Project And Accepting Donations

Int. No. 325 - Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Cobbs Hill/Nunda Neighborhood Street Lighting Project, As Amended

Int. No. 326 - Approving Changes In The Pavement Width Of South Fitzhugh Street As Part Of The Bicycle Trails Project

The following entitled legislation is being held in Committee:

Int. No. 316 - Resolution Authorizing The Preparation Of A District Plan For The Downtown Business Improvement District

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-285
Re: Agreement - New York State
Department of Transportation,
Transportation Enhancements
Program Grant Application

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Transportation (NYSDOT) for the City's application to and receipt of funding from the Transportation Enhancements Program (TEP). Applications are due on August 16, 2013.

TEP is a federal transportation funding program created by the Intermodal Surface Transportation Efficiency Act of 1991 and is administered locally by the NYSDOT. The program provides funding, through a competitive process, for projects that benefit the traveling public, increase transportation choices and access, enhance the built and natural environments, and provide a sense of place.

The City intends to submit an application for \$1,150,000 in TEP funding for the design and construction of the Elmwood Avenue/College Town Cycle Track. This project will result in the development of a two-way bicycle path along Elmwood Avenue connecting the Genesee Riverway Trail and the University of Rochester's River Campus with the University of Rochester Medical Center, College Town, and Mt. Hope Avenue. Future phases will extend the path eastward into the Town of Brighton, providing additional desirable

connections for users. The Cycle Track will be physically separated from both car traffic and pedestrians, providing a safe, high quality environment for bicyclists while enhancing the streetscape for all users.

The Cycle Track is a component of the College Town Community Benefit Agreement, which calls for the developers of College Town to pay for construction of the cycle track (bike path) alongside the development site (from East Drive to Mt. Hope Avenue). The value of this contribution is estimated at \$340,000. The City proposes to match the developers' investment. Total project cost is estimated at \$1,830,000. The University of Rochester is a project partner and will donate any easements required to facilitate this project.

The City has been successful in the two most recent TEP rounds, receiving \$3.8 million for ArtWalk 2 in 2009 and \$2.0 million for the El Camino Trail in 2006. If TEP funding is awarded, the local match will be requested in the 2014-15 Capital Improvement Plan.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-153

Ordinance No. 2013-285
(Int. No. 314)

Authorizing An Application And Agreements And Accepting Easements For The Elmwood Avenue/College Town Cycle Track

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 Department of Transportation for funding through the Transportation Enhancements Program for the Elmwood Avenue/College Town Cycle Track.

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

Section 3. The Council hereby approves the acceptance of necessary easements from the University of Rochester for this project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-286
Re: Roof Replacement - 414 Andrews Street

Transmitted herewith for your approval is legisla-

tion authorizing the issuance of bonds totaling \$252,000 and the appropriation of the proceeds thereof to finance the construction of the roof replacement at 414 Andrews Street, a City-owned facility.

The project designed by the Department of Environmental Services/Architecture and Engineering Bureau staff includes a tear off and replacement of the existing roofing system. The roof is past its useful life, and has failed in several areas that cannot be repaired. The roof insulation holds water which infiltrates the building and has caused damage to the plaster ceilings and interior finishes.

Construction is anticipated to be complete in fall 2013. The construction will result in the creation or retention of the equivalent of 2.74 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-286
(Int. No. 315)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$252,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The City Building At 414 Andrews Street In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of repairs to the City building at 414 Andrews Street in the City, including but not limited to replacement of the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$252,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$252,000 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 \$252,000 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 \$252,000. This Ordinance is a decla-

ration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-287
Re: Agreement - The LA Group, Riverside Cemetery, Drainage, Expansion And Site Improvements

Transmitted herewith for your approval is legislation establishing \$315,000 as maximum compensation for an agreement with the LA Group, Landscape Architecture and Engineering, P.C., Saratoga Springs, New York, for professional services for the above project. The cost of the agreement will be financed from prior years' Cash Capital allocation (\$90,000) and Bond Ordinance No. 2012-453 (\$225,000) previously authorized as part of the Capital Project Acceleration Initiative.

The project includes site planning and economic feasibility analysis of types of interment spaces to further enhance the marketability of the Cemetery for future generations, explore the expansion of the cemetery to the east, address drainage issues extending from Willow Pond, and the repair of roadway infrastructure throughout the cemetery.

The LA Group was selected through a request for proposal process described in the attached summary.

Project design will begin in summer 2013; it is anticipated that construction will begin in summer 2014 with scheduled completion in fall 2014. The design will result in the creation/retention of the equivalent of 3.4 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-154

Ordinance No. 2013-287
(Int. No. 317)

Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Site Improvements Project

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

Section 1. The sum of \$315,000, 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 LA Group, Landscape Architecture and Engineering, P.C. for site planning and economic feasibility and design services for the Riverside Cemetery Site Improvements Project. The agreement may extend until six months after completion and acceptance of the construction of the Project. Of said amount, \$90,000 shall be funded from the Cash Capital allocation from prior years and \$225,000 shall be funded from Bond Ordinance No. 2012-453.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-288 and
Ordinance No. 2013-289

Re: Agreement - Zerkel Land Surveyors,
Water Survey and Mapping

Transmitted herewith for your approval is legislation establishing \$150,000 as maximum compensation for a three-year agreement with Zerkel Land Surveyors for professional surveying and mapping services required for planning and design of the City's Water Main and Extensions and Improvements Program; and authorizing the issuance of \$150,000 in Water Bonds to fund the agreement.

Zerkel Land Surveyors will provide surveying and base mapping for specified city streets in assisting the City with project design drawings for the replacement of old and deficient water mains. Zerkel will also provide land surveying services for other miscellaneous water projects on an as needed basis.

Zerkel Land Surveyors was selected through a Request for Proposal process, which is described in the attached summary.

The consultant has been informed of the Living Wage requirements and the Water Bureau will ensure compliance.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-155

Ordinance No. 2013-288
(Int. No. 318)

Establishing Maximum Compensation For A Professional Services Agreement For Surveying Services

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

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Zerkel Land Surveyors for surveying and mapping servic-

es required for planning and design of the Water Main Extension and Improvements Program for a term of three years. 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. 2013-289
(Int. No. 319)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Planning And Design Of The Reconstruction Of Various Water Mains Related To The Water Main Extension And Improvements Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and design services for the reconstruction of water mains as part of the Water Main Extension and Improvements Program, including surveying and mapping services, 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 \$150,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$150,000 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 \$150,000 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 \$150,000. 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. 2013-290
Re: Amending the Municipal Code -
Section 23 Waterworks

Transmitted herewith for your approval is legislation amending sections 23-1, 23-5 and 23-37 of the Municipal Code.

The modification to Section 23-1 is a technical clarification of the definition of water main. Section 23-5 is changed to add the statement that the City is not responsible for any water pipe installed outside the public right-of-way.

The modification to section 23-37 relates to water fees for water service disconnection charges. The flat rate fee is sufficient for water services of two inches and smaller. However, water services of three inches and larger are more costly to disconnect and the water fund should be reimbursed for the actual cost of performing the service. Subsection F(5) is amended to read as follows:

- (5) Service disconnection charges, also known as an "abandonment fee":

2" and under	\$1,500.00
3" and over	Actual cost plus 10%

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-156

Ordinance No. 2013-290
(Int. No. 320)

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 23-1 of the Municipal Code, Definitions, as amended, is hereby further amended by amending the definition of MAIN, STREET MAIN or WATER MAIN to read in its entirety as follows:

MAIN, STREET MAIN or WATER MAIN - A water pipe within the public right-of-way owned by the City of Rochester and supplying or capable of supplying water to one or more parcels.

Section 2. Section 23-5 of the Municipal Code, Connection to street main, as amended, is hereby further amended by designating the current body thereof as subsection A, and by adding a new subsection B to read in its entirety as follows:

- B. Water mains shall not be allowed within easements unless approved by the Director of Water. The City will not assume ownership or responsibility of any water pipe in-

stalled outside of the public right-of-way.

Section 3. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections F(5) thereof to read in its entirety as follows:

- (5) Service disconnection charges, also known as an "abandonment fee":
 - (a) 2" and under: \$1,500.
 - (b) 3" and over: Actual cost plus 10%.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-291
Re: Agreement - Monroe County, Bausch Street at Suntru Street Traffic Signal Maintenance

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the maintenance of the existing traffic signal on Bausch Street at Suntru Street.

The Monroe County Department of Transportation has determined that this signal is no longer warranted for traffic control purposes. The Genesee Brewery no longer uses the gate at this signal for their truck access. However, the Genesee Riverway Trail currently crosses Bausch Street at this location to connect the trail to points north and south. An enhanced crosswalk was installed at this location in the recent past.

Accordingly, the City has requested that the County continue to operate and maintain the signal for the purposes of trail crossing until such time as the trail crossing may be relocated. The City will reimburse the County for providing signal maintenance services and the City will directly pay all energy costs for operating the signal. The estimated annual cost of \$890 will be included in the annual operating budgets.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-157

Ordinance No. 2013-291
(Int. No. 321)

Authorizing An Agreement With The County Of Monroe For Traffic Signal 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 whereby the City shall reimburse the County for signal maintenance services for the traffic signal at

Bausch Street and Suntru Street and the City shall pay for the energy costs for operating the signal. Said amounts shall be funded from the annual budgets of the Department of Environmental Services, contingent upon the adoption of subsequent budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-292
Re: Inter-municipal Agreement - Rochester City School District, Safe Routes To School Mini-Grants

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Rochester City School District (RCSD) for the award of Rochester Safe Routes to School Mini-Grant funds. The amount of the agreement shall not exceed \$7,500. The source of funds is the federal Safe Routes to School funds administered through the New York State Department of Transportation and appropriated in Ordinance No. 2008-387.

In December 2012, the City issued a Request for Proposals (RFP) to schools, PTAs, and community groups to assist with establishing or enhancing programs that encourage safe walking and biking to school. Programs serving K-8 students at schools in the City of Rochester were eligible to apply for assistance through this program. Proposals were due in January 2013 and successful recipients were selected in February 2013. Eight mini-grants were awarded funding through this RFP, three of which are directly associated with RCSD elementary schools (Schools 19, 25, and 29). The Mini-Grants will provide funding for education and the installation of bike racks.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-292
(Int. No. 322)

Authorizing An Agreement With The Rochester City School District For Safe Routes To School Mini-Grants

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District whereby the City shall provide funding in the form of Mini-Grants for programs that encourage safe walking or biking to school.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$7,500, and said amount, or so much thereof as may be necessary, shall be funded from the Safe Routes to School funds appropriated in Ordinance No. 2008-387.

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. 2013-293 and
Ordinance No. 2013-294
Re: Manor Parkway Improvements

Transmitted herewith for your approval is legislation related to the Manor Parkway Improvement Project. This legislation will:

1. Authorize a change in pavement width from the current widths of 26 to 59 feet to a uniform 36 foot width.
2. Authorize acquisition by donation of the three parcels described below:

<u>Address</u>	<u>Property Owner</u>	<u>Sq. Ft.</u>
905 South Avenue	Highland Manor, LLC	2104
925 South Avenue	Highland Manor, LLC	2248
80-110 Manor Parkway	S&P Developers, Inc.	236

3. Amend the Official Map by dedicating the above parcels as public right-of-way for street purposes.

This project includes realignment of the existing pavement, removal of the perpendicular parking bays, new granite stone curbs, concrete sidewalks, driveway aprons, water main extension, new street lights and catch basins.

The proposed acquisitions of the three parcels will result in a uniform 58' wide right-of-way for the entire length of Manor Parkway, and will allow for construction of improvements within City-owned ROW.

The associated Official Map Amendment was presented to the City Planning Commission on July 15, 2013. The Commission recommended approval by a vote of 5-0-0. The related application, minutes and recommendation are attached.

The project is being designed by the Department of Environmental Services, Bureau of Architecture and Engineering. Design will be completed in fall 2013 and construction will begin in spring 2014, with substantial completion in summer 2014.

A public meeting will be held on August 8, 2013. A copy of the meeting minutes will be provided. The pavement width changes will be presented to the Traffic Control Board at its August 13, 2013 meeting. Council will be advised of the decision.

Public hearings on the pavement width changes and the map amendment are required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-158

Ordinance No. 2013-293
(Int. No. 323)

Approving Changes In The Pavement Width Of Manor Parkway As Part Of The Manor Parkway Improvement Project

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

Section 1. The Council hereby approves changes in the pavement width of Manor Parkway, from a variable width of 26 to 59 feet, to a uniform width of 36 feet, transitioning to a width of 36 feet starting at a point 57 feet west of the westerly curb line of South Avenue, then continuing westward for 523 feet, then tapering to meet the existing width of 32 feet, as part the Manor Parkway Improvement Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-294
(Int. No. 324)

Amending The Official Map By Dedicating Parcels As Manor Parkway For The Manor Parkway Improvement Project And Accepting Donations

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel, constituting a portion of 905 South Avenue, to street purposes, and adding said parcel to Manor Parkway:

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 17, 3rd Division, and being more particularly bounded and described as follows: Beginning at the intersection of the westerly ROW line of South Avenue (66'

ROW) and the northerly ROW line of Manor Parkway (50' ROW), said intersection being the Point or Place of Beginning; thence

- 1) N 68°36'20" W, along said ROW line of Manor Parkway, a distance of 276.09 feet to a Point of Curvature; thence
- 2) Westerly, continuing along said ROW line, along a curve to the left with a radius of 254.13 feet, a distance of 109.12 feet to a Point of Tangency; thence
- 3) S 86°47'33" W, continuing along said ROW line, a distance of 139.97 feet to a point; thence
- 4) N 03°12'27" W, a distance of 4.00 feet to a point; thence
- 5) N 86°47'33" E, a distance of 139.97 feet to a Point of Curvature; thence
- 6) Easterly, along a curve to the right with a radius of 258.13 feet, a distance of 110.84 feet to a Point of Tangency; thence
- 7) S 68°36'20" E, a distance of 276.09 feet to the said westerly ROW line of South Avenue; thence
- 8) S 21°23'40" W, along said ROW line of South Avenue, a distance of 4.00 feet to the said northerly ROW line of Manor Parkway, being the Point or Place of Beginning.

Hereby intending to describe Park 'B', containing 2104 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes - Manor Parkway", dated October 10, 2012, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the same premises conveyed to Highland Manor, LLC by a deed dated March 10, 2009 and filed in Liber 10726 of Deeds, Page 260.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel, constituting a portion of 925 South Avenue, to street purposes, and adding said parcel to Manor Parkway:

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 17 & 18, 3rd Division, and being more particularly bounded and described as follows: Beginning at the intersection of the westerly ROW line of South Avenue (66' ROW) and the southerly ROW line of Manor Parkway (50' ROW), said intersection being the Point or Place of Beginning; thence

- 1) S 21°23'40" W, along said ROW line of South Avenue, a distance of 4.00 feet to a point; thence

- 2) N 68°36'20" W, a distance of 276.09 feet to a Point of Curvature; thence
- 3) Westerly, along a curve to the left with a radius of 200.13 feet, a distance of 85.93 feet to a Point of Tangency; thence
- 4) S 86°47'33" W, a distance of 199.06 feet to a point on the existing 58 foot wide ROW line of Manor Parkway; thence
- 5) N 03°12'27" W, a distance of 4.00 feet to a point on the existing 50 foot wide ROW line of said Manor Parkway; thence
- 6) N 86°47'33" E, along said 50 foot wide ROW line, a distance of 199.06 feet to a Point of Curvature; thence
- 7) Easterly, continuing along said ROW line, along a curve to the right with a radius of 204.13 feet, a distance of 87.65 feet to a Point of Tangency; thence
- 8) S 68°36'20" E, continuing along said ROW line, a distance of 276.09 feet to the said westerly ROW line of South Avenue, being the Point or Place of Beginning.

Hereby intending to describe Parcel 'A', containing 2248 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes - Manor Parkway", dated October 10, 2012, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the same premises conveyed to Highland Manor, LLC by a deed dated March 10, 2009 and filed in Liber 10726 of Deeds, Page 260.

Section 3. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel, constituting a portion of 80-110 Manor Parkway, to street purposes, and adding said parcel to Manor Parkway:

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 17, 3rd Division, and being more particularly bounded and described as follows: Beginning at a point on the northerly ROW line of Manor Parkway (50' ROW) at the southeast corner of lands conveyed to S&P Developers, Inc. by a deed filed in Liber 9579 of Deeds, Page 523, said corner being the Point or Place of Beginning; thence

- 1) S 86°47'33" W, along said ROW line of Manor Parkway, a distance of 59.09 feet to a point; thence
- 2) N 03°12'27" W, a distance of 4.00 feet to a point on the existing 58 foot wide ROW line of Manor Parkway; thence
- 3) N 86°47'33" E, a distance of 59.09 feet to the east line of said lands of S&P Develop-

ers, Inc.; thence

- 4) S 03°12'27" E, along said east line of S&P Developers, Inc., a distance of 4.00 feet to the Point or Place of Beginning.

Hereby intending to describe Park 'C', containing 236 square feet, more or less, all as shown on a map entitled "Map Of Lands To Be Acquired For Street Purposes - Manor Parkway", dated October 10, 2012, prepared by Jacek M. Szymanski, L.S., City Surveyor.

Being part of the same premises conveyed to S&P Developers, Inc. by a deed dated February 12, 2002 and filed in Liber 9579 of Deeds, Page 523.

Section 4. The Council hereby approves the acceptance of the donation of the parcels set forth in Sections 1 and 2 from Highland Manor, LLC and the parcel set forth in Section 3 from S&P Developers, Inc. in conjunction with improvements for the Manor Parkway Improvement Project.

Section 5. This ordinance shall take effect immediately, except that Sections 1, 2 and 3 shall take effect upon acquisition of the parcels by the City.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1677
Re: Establishing a Special Assessment
District - Cobbs Hill/Nunda
Neighborhood Street Lighting Project

Transmitted herewith for your approval is legislation authorizing the establishment of a special assessment district to finance the additional capital costs associated with the purchase of street lighting enhancements for the Cobbs Hill/Nunda Neighborhood Street Lighting Project.

The neighborhood supports efforts to preserve its character by retaining the appearance of the original historic street lamps. The district includes the following street areas:

- Beckwith Terrace
Entire length
- Nunda Boulevard
Washington Grove to Winton Road S.
- Castlebar Road
Cobbs Hill Drive to Winton Rd S
- San Gabriel Drive
Cobbs Hill Drive to Winton Rd S
- Cobbs Hill Drive
Hillside Avenue to Highland Avenue
- Bengal Terrace
Hillside Avenue to its south end
- Pinnard Street
Bengal Terrace to Cobbs Hill Drive
- Rosegrey Terrace
Beckwith Terrace to San Gabriel Drive

The special assessment district will fund the incremental capital costs to install enhanced street lights in the district. The costs will be apportioned based upon the front footage of the 226 properties within the district.

The property owners in the area requested the improvements and submitted a petition in support of the proposed district. As required to establish the district, the petition was signed by the property owners of 75% the front footage within the district. Initial improvements will be funded by 2012-13 Cash Capital allocations and are estimated at \$510,000.

The total front footage within the proposed district is 15,697. The estimated initial incremental costs are listed below along with the assessment to be charged per front foot of the subject properties. Payment of the cost will require 15 years of the assessment.

	<u>Cost</u>	<u>Assessment Per Front Foot</u>
Street lighting	\$139,255.75	\$0.59
Debt service	<u>58,694.86</u>	<u>0.25</u>
Total	\$197,950.61	\$0.84

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-159

Local Improvement Ordinance No. 1677
(Int. No. 325, As Amended)

Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Cobbs Hill/Nunda Neighborhood Street Lighting Project

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

Section 1. The Council hereby authorizes the upgrading of street lighting as a part of the Cobbs Hill/Nunda Neighborhood Street Lighting Project.

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

Section 3. The limits of the District of Assessment for the improvements and work shall be the following properties. The Council hereby finds that the upgrading of said street lighting will benefit the parcels of property within the district described in proportion to each parcel's front footage within the District, with corner parcels fronting on two sides within the District having front footage calculated by using 1/3 of the front footage of the longer side plus the front footage of the shorter side, as follows:

<u>Street Address</u>	<u>Front Footage</u>		
		33 Bengal Ter	
		12263000010120000000	40.00
		36 Bengal Ter	
		12264000010760000000	40.00
11 Beckwith Ter	59.00	39 Bengal Ter	
12271000020010000000		12263000010130000000	40.00
17 Beckwith Ter		42 Bengal Ter	
12272000010010000000	60.00	12264000010750000000	40.00
20 Beckwith Ter		43 Bengal Ter	
12264000010410000000	225.00	12263000010140000000	40.00
27 Beckwith Ter		49 Bengal Ter	
12272000010020000000	60.00	12263000010150000000	40.00
32 Beckwith Ter		55 Bengal Ter	
12264000010400000000	75.00	12263000010160000000	40.00
37 Beckwith Ter		59 Bengal Ter	
12272000010030000000	85.00	12263000010170000000	40.00
42 Beckwith Ter		65 Bengal Ter	
12264000010390000000	75.00	12263000010180000000	40.00
43 Beckwith Ter		71 Bengal Ter	
12272000010040000000	65.00	12263000010190000000	40.00
50 Beckwith Ter		72 Bengal Ter	
12264000010380000000	60.00	12264000010670000000	97.00
55 Beckwith Ter		75 Bengal Ter	
12272000010050000000	75.00	12263000010200000000	40.00
60 Beckwith Ter		79 Bengal Ter	
12264000010370000000	60.00	12263000010210000000	40.00
65 Beckwith Ter		84 Bengal Ter	
12272000010060000000	118.00	12264000010660000000	63.00
66 Beckwith Ter		85 Bengal Ter	
12264000010360000000	60.00	12263000010220000000	39.00
74 Beckwith Ter		90 Bengal Ter	
12264000010350000000	55.00	12263000010230000000	34.00
80 Beckwith Ter		5 Castlebar Rd	
12264000010340000000	55.00	12271000020220000000	50.00
81 Beckwith Ter		11 Castlebar Rd	
12272000010070000000	103.00	12271000020210000000	50.00
90 Beckwith Ter		14 Castlebar Rd	
12264000010330000000	83.00	12271000020120000000	114.00
91 Beckwith Ter		19 Castlebar Rd	
12272000010080000000	60.00	12271000020200000000	50.00
97 Beckwith Ter		20 Castlebar Rd	
12272000010090000000	60.00	12271000020130000000	50.00
100 Beckwith Ter		25 Castlebar Rd	
12264000010320000000	87.00	12271000020190000000	50.00
105 Beckwith Ter		26 Castlebar Rd	
12272000010100000000	60.00	12271000020140000000	50.00
110 Beckwith Ter		32 Castlebar Rd	
12264000010310000000	34.00	12271000020150000000	50.00
118 Beckwith Ter		33 Castlebar Rd	
12264000010300000000	67.00	12271000020180000000	50.00
121 Beckwith Ter		37 Castlebar Rd	
12272000010120010000	125.00	12271000020170000000	50.00
124 Beckwith Ter		40 Castlebar Rd	
12264000010290000000	60.00	12271000020160000000	50.00
129 Beckwith Ter		45 Castlebar Rd	
12272000010130000000	70.00	12272000010620000000	50.00
134 Beckwith Ter		46 Castlebar Rd	
12264000010280000000	60.00	12272000010610000000	50.00
142 Beckwith Ter		51 Castlebar Rd	
12264000010270000000	60.00	12272000010630000000	50.00
150 Beckwith Ter		54 Castlebar Rd	
12264000010260000000	143.00	12272000010600000000	50.00
20 Bengal Ter		59 Castlebar Rd	
12264000010790000000	49.00	12272000010640000000	50.00
25 Bengal Ter		60 Castlebar Rd	
12263000010110000000	70.00	12272000010590000000	50.00
26 Bengal Ter		65 Castlebar Rd	
12264000010780000000	40.00	12272000010650000000	50.00
32 Bengal Ter		66 Castlebar Rd	
12264000010770000000	40.00		

1227200001058000000	50.00	111 Cobbs Hill Dr	
73 Castlebar Rd		1226400001059000000	40.00
1227200001066000000	92.00	114 Cobbs Hill Dr	
74 Castlebar Rd		1226400001049000000	40.00
1227200001057000000	96.00	117 Cobbs Hill Dr	
85 Castlebar Rd		1226400001060000000	40.00
1227200001067000000	92.00	120 Cobbs Hill Dr	
88 Castlebar Rd		1226400001048000000	40.00
1227200001056000000	106.00	124 Cobbs Hill Dr	
94 Castlebar Rd		1226400001047000000	54.00
1227200001055000000	50.00	125 Cobbs Hill Dr	
95 Castlebar Rd		1226400001061000000	68.00
1227200001068000000	50.00	154 Cobbs Hill Dr	
100 Castlebar Rd		1226400001045000000	82.00
1227200001054000000	50.00	162 Cobbs Hill Dr	
101 Castlebar Rd		1226400001044000000	60.00
1227200001069000000	50.00	165 Cobbs Hill Dr	
107 Castlebar Rd		1226400001063000000	146.00
1227200001070000000	50.00	172 Cobbs Hill Dr	
108 Castlebar Rd		1226400001043000000	75.00
1227200001053000000	50.00	179 Cobbs Hill Dr	
113 Castlebar Rd		1226400001064000000	50.00
1227200001071000000	50.00	182 Cobbs Hill Dr	
116 Castlebar Rd		1226400001042000000	75.00
1227200001052000000	50.00	185 Cobbs Hill Dr	
120 Castlebar Rd		1226400001065000000	60.00
1227200001051000000	50.00	195 Cobbs Hill Dr	
121 Castlebar Rd		1226300001024000000	65.00
1227200001072000000	50.00	203 Cobbs Hill Dr	
125 Castlebar Rd		1226300001025000000	65.00
1227200001073000000	50.00	211 Cobbs Hill Dr	
130 Castlebar Rd		1226300001026000000	65.00
1227200001050000000	50.00	221 Cobbs Hill Dr	
133 Castlebar Rd		1226300001027000000	65.00
1227200001074000000	50.00	229 Cobbs Hill Dr	
140 Castlebar Rd		1227100001002000000	65.00
1227200001049000000	146.00	230 Cobbs Hill Dr	
143 Castlebar Rd		1227100002002000000	106.00
1227200001075000000	78.00	235 Cobbs Hill Dr	
72 Cobbs Hill Dr		1227100001003000000	65.00
1226400001011000000	38.00	240 Cobbs Hill Dr	
74 Cobbs Hill Dr		1227100002003000000	106.00
1226400001010000000	22.00	247 Cobbs Hill Dr	
75 Cobbs Hill Dr		1227100001004000000	66.00
1226400001006000000	140.00	303 Cobbs Hill Dr	
76 Cobbs Hill Dr		1227100001008000000	65.00
1226400001009000000	22.00	315 Cobbs Hill Dr	
78 Cobbs Hill Dr		1227100001009000000	65.00
1226400001008000000	22.00	321 Cobbs Hill Dr	
80 Cobbs Hill Dr		1227100001010000000	69.00
1226400001007000000	14.00	335 Cobbs Hill Dr	
86 Cobbs Hill Dr		1227100001011000000	80.00
1226400001054000000	50.00	340 Cobbs Hill Dr	
91 Cobbs Hill Dr		1227100002023000000	103.00
1226400001055000000	60.00	347 Cobbs Hill Dr	
92 Cobbs Hill Dr		1227100001012000000	80.00
1226400001053000000	40.00	350 Cobbs Hill Dr	
97 Cobbs Hill Dr		1227100002024000000	151.00
1226400001056000000	40.00	357 Cobbs Hill Dr	
98 Cobbs Hill Dr		1227100001013000000	110.00
1226400001052000000	40.00	375 Cobbs Hill Dr	
103 Cobbs Hill Dr		1227100001014000000	92.00
1226400001057000000	40.00	385 Cobbs Hill Dr	
104 Cobbs Hill Dr		1227100001015000000	92.00
1226400001051000000	40.00	399 Cobbs Hill Dr	
107 Cobbs Hill Dr		1227900001009000000	60.00
1226400001058000000	40.00	415 Cobbs Hill Dr	
108 Cobbs Hill Dr		1227900001011001000	120.00
1226400001050000000	40.00	421 Cobbs Hill Dr	

1227900001012000000	60.00	134 Nunda Blvd	
429 Cobbs Hill Dr		1227200001024000000	50.00
1227900001013000000	60.00	137 Nunda Blvd	
450 Cobbs Hill Dr		1227200001042000000	50.00
1227900002017000000	150.00	140 Nunda Blvd	
1834 Highland Ave		1227200001023000000	50.00
1227900001014000000	152.00	143 Nunda Blvd	
105 Hillside Ave		1227200001043000000	50.00
1227100001001000000	23.00	146 Nunda Blvd	
135 Hillside Ave		1227200001022000000	50.00
1226300001010000000	139.00	149 Nunda Blvd	
147 Hillside Ave		12272000010440010000	100.00
1226400001001000000	121.00	154 Nunda Blvd	
8 Nunda Blvd		1227200001021000000	50.00
1227100001005000000	81.00	158 Nunda Blvd	
15 Nunda Blvd		1227200001020000000	50.00
1227100001007000000	131.00	166 Nunda Blvd	
22 Nunda Blvd		1227200001019000000	50.00
1227100001006000000	105.00	174 Nunda Blvd	
33 Nunda Blvd		1227200001018000000	50.00
1227100002011000000	102.00	175 Nunda Blvd	
39 Nunda Blvd		12272000010470010000	167.00
1227100002010000000	50.00	180 Nunda Blvd	
40 Nunda Blvd		1227200001017000000	50.00
1227100002004000000	119.00	186 Nunda Blvd	
45 Nunda Blvd		1227200001016000000	45.00
1227100002009000000	50.00	7 Pinnard St	
46 Nunda Blvd		1226400001068000000	40.00
1227100002005000000	60.00	8 Pinnard St	
53 Nunda Blvd		1226400001074000000	140.00
1227100002008000000	50.00	11 Pinnard St	
54 Nunda Blvd		1226400001069000000	40.00
1227100002006000000	50.00	15 Pinnard St	
59 Nunda Blvd		1226400001070000000	40.00
1227200001033000000	50.00	16 Pinnard St	
60 Nunda Blvd		1226400001073000000	40.00
1227100002007000000	50.00	19 Pinnard St	
65 Nunda Blvd		1226400001071000000	40.00
1227200001034000000	50.00	23 Pinnard St	
66 Nunda Blvd		1226400001062000000	100.00
1227200001032000000	50.00	24 Pinnard St	
73 Nunda Blvd		1226400001072000000	50.00
1227200001035000000	50.00	139 S Winton Rd	
74 Nunda Blvd		1226400001017000000	184.00
1227200001031000000	50.00	205 S Winton Rd	
79 Nunda Blvd		1226400001046000000	30.00
1227200001036000000	50.00	245 S Winton Rd	
80 Nunda Blvd		1227200001014000000	186.00
1227200001030000000	50.00	405 S Winton Rd	
86 Nunda Blvd		1228000001008000000	197.00
1227200001029000000	50.00	1 San Gabriel Dr	
87 Nunda Blvd		1227900002001000000	111.00
1227200001037000000	140.00	10 San Gabriel Dr	
94 Nunda Blvd		1227100002025000000	218.00
1227200001028000000	50.00	11 San Gabriel Dr	
100 Nunda Blvd		1227900002002000000	60.00
1227200001027000000	55.00	21 San Gabriel Dr	
108 Nunda Blvd		1227900002003000000	60.00
1227200001026000000	110.00	29 San Gabriel Dr	
109 Nunda Blvd		1227900002004000000	80.00
1227200001038000000	94.00	35 San Gabriel Dr	
115 Nunda Blvd		1227900002005000000	80.00
1227200001039000000	50.00	36 San Gabriel Dr	
123 Nunda Blvd		1227100002026000000	78.00
1227200001040000000	50.00	44 San Gabriel Dr	
126 Nunda Blvd		1227100002027000000	60.00
1227200001025000000	122.00	45 San Gabriel Dr	
129 Nunda Blvd		1227900002006000000	80.00
1227200001041000000	50.00	52 San Gabriel Dr	

1227100002028000000	60.00
60 San Gabriel Dr 1227100002029000000	90.00
73 San Gabriel Dr 12279000020080010000	150.00
76 San Gabriel Dr 1227100002030000000	90.00
84 San Gabriel Dr 1227100002031000000	60.00
85 San Gabriel Dr 1227900002009000000	80.00
91 San Gabriel Dr 1228000001001000000	70.00
92 San Gabriel Dr 12272000010850010000	95.00
99 San Gabriel Dr 1228000001002000000	60.00
107 San Gabriel Dr 12280000010030010000	120.00
108 San Gabriel Dr 12272000010840010000	70.00
112 San Gabriel Dr 1227200001083000000	75.00
130 San Gabriel Dr 1227200001082000000	108.00
131 San Gabriel Dr 1228000001005000000	120.00
140 San Gabriel Dr 1227200001081000000	108.00
141 San Gabriel Dr 1228000001006000000	60.00
145 San Gabriel Dr 1228000001007000000	60.00
148 San Gabriel Dr 1227200001080000000	60.00
156 San Gabriel Dr 1227200001079000000	60.00
164 San Gabriel Dr 1227200001078000000	60.00
170 San Gabriel Dr 1227200001077000000	120.00

Section 4. The additional construction costs relating to such street lighting upgrading, in an amount estimated at ~~\$197,950.64~~ 139,255.75, plus interest at the rate of 1% above the City's most recent long term borrowing rate as determined by the Director of Finance, shall be annually assessed and billed as Special Assessments against the parcels of property within the district for a period of 15 years, commencing with the 2014-15 year, or the tax year after completion of construction, whichever is later. Such amount shall be appropriated from the Special Assessments. Such assessments shall be billed on the regular tax bill and shall be due in one installment. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 5. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-295
Re: Pavement Width Changes - Genesee Riverway Trail Connections

Transmitted herewith for your approval is legislation authorizing geometric changes along South Fitzhugh and Troup Streets to accommodate bicycles and provide connections to the Genesee Riverway Trail. The pavement width changes include:

1. A decrease from a variable width of 28-41 feet to 28 feet on South Fitzhugh Street, beginning 120 feet west of Troup Street and continuing easterly to the intersection of Troup Street.
2. A decrease of 18 feet (from 48' to 30') on South Fitzhugh Street, beginning at the intersection of Troup Street and continuing easterly approximately 25 feet.
3. Maintain the existing pavement width of 48' on South Fitzhugh Street, beginning approximately 25 feet east of Troup Street and continuing easterly approximately 70 feet.
4. A decrease of eight feet (from 48' to 40') on South Fitzhugh Street, beginning approximately 105 feet east of Troup Street and continuing easterly approximately 50 feet.
5. A decrease of 16 feet (from 48' to 32') on South Fitzhugh Street, beginning approximately 155 feet east of Troup Street and continuing easterly to the intersection of Exchange Boulevard.

The project includes the implementation of six new trail connections along the length of the Genesee Riverway Trail. These connections will close gaps in the city-wide trail system; link adjacent neighborhoods to employment, business, recreation, 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 project is being designed by Stantec Consulting Services Inc. Design of the project will be completed in the fall of 2013 and construction will begin in the spring of 2014 with substantial completion in the summer of 2014.

A public meeting was held on July 24, 2013. A copy of the meeting minutes will be forwarded when completed. The Traffic Control Board endorsed these width changes at their July 16, 2013 meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-160

Ordinance No. 2013-295
(Int. No. 326)

**Approving Changes In The Pavement Width
Of South Fitzhugh Street As Part Of The Bi-
cycle Trails 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 South
Fitzhugh Street as part the Bicycle Trails Project:

1. A decrease in the pavement width from the existing width which varies from 28 feet to 41 feet, to 28 feet, beginning 120 feet west of Troup Street and continuing easterly to the intersection of Troup Street.
2. An 18 foot decrease in the pavement width, from 48 feet to 30 feet, beginning at the intersection of Troup Street and continuing easterly for approximately 25 feet.
3. An 8 foot decrease in the pavement width, from 48 feet to 40 feet, beginning approximately 105 feet east of Troup Street and continuing easterly for approximately 50 feet.
4. A 16 foot decrease in the pavement width, from 48 feet to 32 feet beginning approximately 155 feet east of Troup Street and continuing easterly to the intersection of Exchange Boulevard.

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:

Introductory No. 316
Re: Downtown Business Improvement
District

Transmitted herewith for your approval is legislation authorizing the preparation of a district plan for a Downtown Business Improvement District (BID). The downtown area currently has two different assessment districts - the Main Street Downtown Enhancement District (established in 1989; LIO 1291), and Downtown Special Services, operated by the Rochester Downtown Development Corp (RDDC) since 1994. The attached map illustrates the proposed BID, which would include the East End and Monroe Avenue neighborhoods. Preparation of the plan is the initial step of a process culminating in approval from New York State.

The City works with businesses to promote commerce, expand the tax base, generate jobs, visitor traffic and improve the quality of life in the downtown area. Over the past year, a number of businesses have discussed the possibility of forming a BID as a mechanism to fund needed services for the district. The RDDC has assembled a sufficient number of businesses who have expressed interest in setting up a Downtown BID, which would fund additional maintenance, landscaping, marketing, advertising, promotional materials, and other services.

In New York State, legislation allows municipalities to create Business Improvement Districts to impose an additional tax or assessment on property owners for additional services.

The process for BID establishment involves several significant steps:

- A resolution of City Council authorizing creation of a BID plan (August 2013).
- Development of the plan by RDDC, working in concert with City staff, downtown property owners and other stakeholders (August 2013 through December 2014).
- Filing the Plan with the City Clerk, with supporting petitions from proposed district property owners (December 2014). Council may adopt a resolution that contains the district plan, notice of the plan and the time and place of a public hearing, and a statement that real property owners may file written objections within 30 days after the conclusion of the public hearing.
- Resolution or summary must be published in newspaper and mailed to property owners within the district.
- Public hearing is held.
- 30 days after the public hearing, the Council can consider the establishment of the district, provided that objections from owners of more than 51% of the assessed value or more than 51% of the benefited property have not been filed.
- If plan is approved by Council, it is submitted to the State Comptroller for approval.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 316

**RESOLUTION AUTHORIZING THE
PREPARATION OF A DISTRICT PLAN FOR
THE DOWNTOWN BUSINESS IMPROVE-
MENT DISTRICT**

WHEREAS, the Council enabled the establishment of Business Improvement Districts pursuant to Section 10A-4 of the City Charter; and

WHEREAS, the Mayor has requested that the Council authorize the preparation of a district plan for Downtown.

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

Section 1. The Council hereby authorizes the preparation of a district plan pursuant to Sections 980-a and 980-d of the General Municipal Law for the Downtown Business Improvement District, which may extend throughout the area designated on a map submitted by the Mayor which is on file in the Office of the City Clerk.

Section 2. This resolution shall take effect immediately.

Held in Committee.

By Councilmember McFadden
August 13, 2013

To the Council:

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

Int. No. 327 - Amending The 2013-14 Budget To Reappropriate Police Grant Funds

Int. No. 328 - Authorizing An Agreement With The County Of Monroe For Storage Of Explosives

Int. No. 329 - Authorizing An Agreement Under The State Law Enforcement Terrorism Prevention Program

Int. No. 330 - Approving Applications, Agreements And The 2013 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau, As Amended

Int. No. 331 - Approving The Rochester After School Academy Program And Amending The 2013-14 Budget

Int. No. 332 - Authorizing An Agreement For The Family Roundtable Project

Int. No. 333 - Authorizing Agreements For The Teenage Pregnancy Prevention Program

Int. No. 334 - Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2013-14 Budget

Int. No. 335 - Authorizing A Grant Agreement With The New York State Office Of Victims Services

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-296
Re: Budget Amendment for Grants

Transmitted herewith for your approval is legislation authorizing an amendment to the 2013-14 Budget of the Police Department to reflect the balance of carryover funds from existing grants. The funds below, which will be used for their original intended purpose, were not fully expended in FY12-13 as anticipated so need to be carried over into FY13-14:

Grant	Amount to Carry Over
ASPCA Grant	\$14,900
2010 Bomb Initiative Grant	\$4,600
Smart Policing Grant	\$70,800

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-296
(Int. No. 327)

Amending The 2013-14 Budget To Reappropriate Police Grant Funds

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

Section 1. Ordinance No. 2013-160, the 2013-14 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 \$90,300, which amount reflects the balances of grants in the 2012-13 Budget of the Rochester Police Department which are hereby reappropriated to fund eligible purposes:

Grant	Amount
ASPCA Grant	\$14,900
2010 Bomb Initiative Grant	4,600
Smart Policing Grant	70,800

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-297
Re: Inter-Municipal Agreement - Monroe County, Explosive Storage Bunker

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Sheriff's Office (MCSO) for the Police

Department's use of the County facilities, at no cost, for storage of explosives. The term of this agreement will be one year, with the option of annual renewal.

Monroe County maintains and monitors a secure space in the City of Rochester for the storage of bulk explosives and explosives evidence. The City currently leases space from the Town of Avon for storage of its explosives. Co-locating the Police Department's storage bunkers, explosives, and explosives evidence at the County site provides several benefits for both agencies, including:

- Inter-agency cooperation is an asset in maintaining related grants and securing future awards.
- MCSO and RPD will have immediate availability to each organization's inventory in the event of an emergency.
- Security is maximized, and ensures greater monitoring of RPD material inventory.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-297
(Int. No. 328)

Authorizing An Agreement With The County Of Monroe For Storage Of Explosives

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the Rochester Police Department can use the Monroe County Sheriff's Office's Explosives Storage Bunker located at the Monroe County Fleet Center. The term of this agreement will be for one year, with the option of annual renewals by each party.

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. 2013-298
Re: 2013 State Law Enforcement
Terrorism Prevention Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of funding in the amount of \$78,253 for the 2013 State Law Enforcement Terrorism Prevention Grant.

This grant, which has been received by the City since 2007, provides equipment, planning, organization, training and exercise funding to Rochester Police Department's Special teams: SWAT, Bomb, and SCUBA. Each year, RPD works collaboratively with the county to address areas in terrorist and natural hazard readiness using this funding to increase the capabilities of the special teams.

These funds will be used to purchase attachments for the bomb disposal robot, provide training for the night vision equipment purchased with the 2010 UASI grant, and to hire a consultant to train the SCUBA team in post-explosion underwater investigation.

The term of this agreement is September 1, 2013 to August 31, 2015. This grant was last authorized via Ordinance No. 2012-433.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-298
(Int. No. 329)

Authorizing An Agreement Under The State Law Enforcement Terrorism Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Police Department under the 2013 State Law Enforcement Terrorism Prevention Program.

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

Section 3. The sum of \$78,253 is hereby appropriated from New York State Division of Homeland Security and Emergency Services funds under the 2013 State Law Enforcement Terrorism Prevention Program, to fund eligible activities.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-299
Re: Rochester-Monroe County Youth Bureau 2013 Budgets

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

1. Authorize agreements with the County of

Monroe for the administration and partial financing of the Rochester-Monroe County Youth Bureau.

- 2. Approve the City's shares of \$37,774 and \$72,973 toward the annual administrative and program budgets of the Youth Bureau, respectively. Half of the administrative amount of the program budget will be reimbursed to the City by the New York State Office of Children and Family Services (OCFS).
- 3. Establish maximum compensation for agreements to implement the programs as summarized below; the costs will be funded from the 2013-14 Budget of the Department of Recreation and Youth Services (DRYS).

<u>Program</u>	<u>Amount</u>
SPCC - Family Trauma Intervention	\$ 5,181
Baden Street - B.A.S.E. and Odyssey	4,778
Direct allocation to DRYS	<u>63,014</u>
Total	\$72,973

- 4. Authorize subsequent amendments to these agreements that may be required by OCFS.

Notification of the amounts of State funding for calendar year 2013 was received on May 23, 2013 from the County. The funding from the State has decreased steadily over the past several years. To be more effective, better aligned with the DRYS Strategic Plan, and to have a greater impact, the utilization of these funds will be changed to support initiatives within the Bureau of Recreation. However, in recognition that SPCC and Baden Street may have anticipated receipt of funds in 2013 and the delay in notification, the amounts for agreements with those agencies will allow for operation of their programs for the six month period of January 1 to June 30, 2013. The agencies have been notified of the change.

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 State. The annual budget of the Youth Bureau is subject to the approval of both the City and the County.

Program descriptions are attached. The most recent Council action on this item was in August 2012 in Ordinance No. 2012-350.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-161

Ordinance No. 2013-299
(Int. No. 330, As Amended)

Approving Applications, Agreements And The 2013 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bu-

reau

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

Section 1. The Council hereby approves the 2013 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2013 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2013 Comprehensive Youth Services Plan. The City's required contribution to the 2013 Youth Bureau Budget shall be financed from the 2013-14 Budget of the Department of Recreation and Youth Services.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Trauma Intervention Program. Said agreement shall obligate the City to pay an amount not to exceed \$5,181, and said amount, or so much thereof as may be necessary, shall be funded from the ~~2013-14~~ 2012-13 Budget of the Department of Recreation and Youth Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project B.A.S.E. and Project Odyssey. Said agreement shall obligate the City to pay an amount not to exceed \$4,778, and said amount, or so much thereof as may be necessary, shall be funded from the ~~2013-14~~ 2012-13 Budget of the Department of Recreation and Youth Services.

Section 4. The Mayor is further authorized to enter into such amendatory agreements for these Programs as may be required by the New York State Office of Children and Family Services.

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.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-300
Re: Agreement - New York State
Department of Education,
Rochester After School Academy

Transmitted herewith for your approval is legislation related to the 2013-14 Rochester After School Academy (RASA) program. This legislation will:

- 1. Authorize an agreement with the New York State Department of Education for the receipt

and use of \$74,375 received in the new round of 21st Century Community Learning Centers Program funding for the Rochester After School Academy. This funding, for the 2013-14 school year, will be the first of a three year grant.

2. Appropriate \$15,000 from the Job Creation/Youth Development Account of the General Community Needs allocation of the 2010-2011 Community Development Block Grant to support the project.
3. Establish \$43,250 as maximum compensation for an agreement with Coordinated Care Services, Inc. to, in conjunction with the school, incorporate academic interventions, coordinate parent training, professional development, and program evaluation.
4. Amend the 2013-14 Budget of the Department of Recreation and Youth Services by the balance of the grant, which is \$46,200, to support City staff salaries.

RASA is a comprehensive and strategic approach to after school programming, designed to enhance and extend learning opportunities beyond the traditional school day. This year's program will serve fifty male students in grades 7 and 8 at Dr. Charles T. Lunsford School #19. The City will work in partnership with the school to provide academic enrichment and youth development programming, to support the academic outcomes of the students. This plan has been approved by the New York State Department of Education.

This year's program represents a significant decrease in scope and funding. In the previous funding round, the City was awarded \$847,771, which provided services to over 240 students (Ordinance No. 2012-219). In part, this reduction is the result of the federal funding sequestration.

A project information sheet is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-162

Ordinance No. 2013-300
(Int. No. 331)

Approving The Rochester After School Academy Program And Amending The 2013-14 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy (RASA) Program for the 2013-14 school year.

Section 2. The Mayor is hereby authorized to enter into an agreement with Coordinated Care Services, Inc. for supportive services for the Rochester After School Academy (RASA) Program for the 2013-14 school year. The agreement shall obligate the City to pay an amount not to exceed \$43,250, and of said amount, or so much thereof as may be necessary, \$28,250 is hereby appropriated from New York 21st Century Community Learning Centers Program Funds, and \$15,000 is hereby appropriated from the General Community Needs Objective, Job Creation/Youth Development allocation of the 2010-11 Community Development Block Grant.

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

Section 4. Ordinance No. 2013-160, the 2013-14 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 \$46,200, which amount is hereby appropriated from New York 21st Century Community Learning Centers Program Funds.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-301
Re: Agreement - Mental Health
Association of Rochester, Family
Roundtable Project

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with the Mental Health Association of Rochester to support the Family Roundtables Initiative. The cost of this agreement will be funded from the General Community Needs allocation of the 2008-09 Community Development Block Grant.

Family Roundtables are a platform for empowerment, education and support of families of children with emotional and behavioral challenges, and will support DRYS priority to serve parents and families. Roundtables create a model for family and system relationships and offer opportunities for families to gain information and tools necessary to be effective caregivers and advocates of their children's needs. Parents and caregivers will share knowledge, build natural supports, and learn about community resources that can aid them in self-sufficiency. Parents and caregivers will be recruited from within DRYS programs; a total of 25 parents/caregivers will be served.

This is the first year for this project.

A project description and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-163

Ordinance No. 2013-301
(Int. No. 332)

Authorizing An Agreement For The Family Roundtable 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 Mental Health Association for the Family Roundtable Project.

Section 2. 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, is hereby appropriated from the General Community Needs allocation of the 2008-09 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-302
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 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 for agreements with the following organizations to provide related services. The cost of these agreements will be funded by the grant appropriated herein.

Coordinated Care Services, Inc.	\$129,275
Baden Street Settlement/Metro Council for Teen Potential	208,065
The Community Place of Greater Rochester	79,370
YWCA of Rochester and Monroe County	128,619
University of Rochester Medical Center (evaluation partner)	<u>359,988</u>
Total	<u>\$905,317</u>

A portion of the balance of the grant, \$275,700, was included in the 2013-14 Budget of the Department of Recreation and Youth Services to cover personnel costs for 4 full-time and 2 part-time employees. The remaining \$318,688 will be accounted for in the Teenage Pregnancy Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, and office supplies.

The program was approved by the U.S. Department of Health and Human Services for a five-year term, September 1, 2010 - August 31, 2015. This will be year four of the five-year grant. The grant was last authorized by Ord. No. 2012-353.

The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to:

- Successfully plan, develop, and implement the Teen Outreach Program (TOP) curriculum
- Reduce adolescent pregnancy rates in the City of Rochester
- Improve high school graduation rates in the City of Rochester

The 2013-14 program will serve a total of 570 youth in areas of the city with the highest teen birth rates (ZIP codes 14605, 14608, 14611, 14613 and 14621).

The progress report and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-164

Ordinance No. 2013-302
(Int. No. 333)

Authorizing Agreements For The Teenage Pregnancy Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services, Office of Adolescent Health, for the receipt and use of funding for the operation of the Federal Teenage Pregnancy Prevention Program.

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

<u>Organization</u>	<u>Amount</u>
Coordinated Care Services, Inc.	\$129,275
Baden Street Settlement /Metro Council for Youth Potential	208,065

The Community Place of Greater Rochester	79,370
YWCA of Rochester and Monroe County	128,619
University of Rochester Medical Center (evaluation Partner)	359,988

Ordinance No. 2013-303
(Int. No. 334)

Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2013-14 Budget

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$905,317, 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.

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

Section 4. The sum of \$318,688 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 to fund non-personnel expenses of the Program.

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

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

Section 6. This ordinance shall take effect immediately.

Section 3. Ordinance No. 2013-160, the 2013-14 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 \$38,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Passed unanimously.

Section 4. This ordinance shall take effect immediately.

TO THE COUNCIL
Ladies and Gentlemen:

Passed unanimously.

Ordinance No. 2013-303
Re: Agreement - Monroe County, Tobacco Compliance Grant

TO THE COUNCIL
Ladies and Gentlemen:

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Department of Public Health for the receipt and use of up to \$38,000 for a Tobacco Compliance grant, and amending the 2013-14 Police Department budget by this amount to reflect the grant. No matching funds are required.

Ordinance No. 2013-304
Re: Agreement - New York State Office of Victims Services

The Department of Public Health will reimburse costs of up to \$38,000 for compliance checks April 1, 2013 through March 31, 2014. This agreement will continue the enforcement program begun in April 1998, under which the Police Department conducts inspections of licensed tobacco outlets in the City. These inspections track compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco products. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

Transmitted herewith for your approval is legislation authorizing an agreement with New York State Office of Victims Services for the receipt and use of a grant totaling \$269,933. These funds will support the Rochester Police Department Office of Victims Services.

This enforcement program was most recently approved in April 2012 (Ordinance No. 2012-162). During 2012-13, 424 compliance checks were completed.

This grant is used primarily to finance salary expenses for the counseling positions in the Family and Victims Services Section of the Rochester Police Department. These funds were anticipated and included in the 2013-14 budget of the Police Department. The required 25% local match will be fulfilled with volunteer counselor hours and the City's contribution of fringe benefits which was also included in the 2013-14 Budget.

Respectfully submitted,
Thomas S. Richards
Mayor

The previous Office of Victims Services award was approved May 22, 2012 under City Council Ordinance No. 2012-172.

The term of this agreement is October 1, 2013 through September 30, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-304
(Int. No. 335)

**Authorizing A Grant Agreement With The
New York State Office Of Victims Services**

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the New York State
Office of Victims Services for funding for the
Family and Victim Services Section of the Roche-
ster Police Department.

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

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

Passed unanimously.

The meeting was adjourned at 8:11 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
SEPTEMBER 17, 2013**

Present - President Warren, Councilmembers
Conklin, McFadden, Miller, Ortiz, Palumbo, Scott,
Spaull - 8

Absent - Councilmember Haag - 1.

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

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

Recognition Ceremony

- Retirement:
 - Emergency Communications
 - Gregg E. Roegner
 - Police Department
 - *Quinton A. Delozier
 - *Anthony J. Perez
 - Library
 - *Carl D. Glaser
 - *Alexandra Marris
 - *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular
Meeting of August 13, 2013 be approved as pub-
lished in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFI-

CERS AND OTHERS.

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

- The Mayor submitted the following:
 - Administrative Cancellation or Refund of
Erroneous Taxes and Charges 4119-13
 - Public Disclosure - CDBG 4120-13
 - Public Auction - December 6, 2013 4121-
13
 - Quarterly Reports (2)
 - Delinquent Receivables 4122-13
 - Professional Services Agreements 4123-
13

The Council submitted Disclosure of Interest
Forms from Councilmember Haag on Int. No.
361, Councilmember McFadden on Int. No. 365,
Vice President Miller on Int. Nos. 348 and 365,
Councilmember Scott on Int. No. 348, and
Councilmember Spaull on Int. No. 349.

**PRESENTATION AND REFERENCE OF PETI-
TIONS AND OTHER COMMUNICATIONS.**

Petition with 372 signatures opposing Charlotte
Beach Marina, presented by Councilmember Pa-
lumbo Petition No. 1694.

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 15
McArdle Street From R-1 Low Density Residential
To M-1 Industrial Int. No. 351 No speakers.

Amending Ordinance No. 2011-322 And The
2011-12 Community Development Program And
Authorizing Agreements For The Targeted Reha-
bilitation Program Int. No. 352 No speakers

**REPORTS OF STANDING COMMITTEES AND
ACTION THEREON**

By Councilmember Conklin
September 17, 2013

To the Council:

The Finance Committee recommends for adoption
the following entitled legislation:

Int. No. 342 - Cancellation Of Taxes And
Charges

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-305
 Re: Cancellation or Refund of Erroneous
 Taxes and Charges

Ordinance No. 2013-305
 (Int. No. 342)

Transmitted herewith for your approval is legisla-
 tion approving the cancellation or refund of taxes
 and charges totaling \$23,150.

The properties listed below were placed in the
 March 2013 tax foreclosure auction and subse-
 quently sold to private bidders. Code violation
 charges were inadvertently added to the properties
 which were to be sold free of all liens and encum-
 brances.

<u>Owner</u>	<u>Address</u>	<u>Amount Cancelled</u>
WNY Homes, LLC	277 Curlew Street	\$ 1,950
Duke Properties, LLC	35 Epworth Street	1,000
Meeks, Travaris	208 Hague Street	4,550
Rochester Redevelopment	235 Hayward Street	1,200
Duke Properties, LLC	104-106 Lyndhurst Street	1,200
Duke Properties, LLC	180-182 Peck Street	4,000
Samuels, Charles	193 Rohr Street	1,900
Reyes, Carmen	740 St. Paul Street	1,650
All Prime Properties, LLC	29 Van Stallen Street	<u>2,800</u>
		\$20,250

The remaining cancellation of \$2,900 is for the
 property located at 315 Emerson Street, which was
 categorized as a demolition case and a ticket was
 issued on March 14, 2011. Shortly thereafter, the
 property owner agreed to rehab the property and
 pursue a Certificate of Occupancy. The owner was
 advised to schedule a hearing which he did and
 subsequently obtained a Certificate of Occupancy
 in which all violations were complied with. He
 failed to attend the hearing thinking the issue was
 resolved and therefore, the original fine of \$2,200
 was doubled and added to the 2013-14 tax bill. The
 amount of the cancellation is \$2,900.

If these cancellations are approved, total cancella-
 tions thus far for 2013-14 will be as follows:

	<u>Accounts</u>	<u>Amount</u>
City Council	13	\$34,028.00
Administrative	14	<u>2,944.97</u>
Total	27	\$36,972.97

These cancellations represent 0.015% of the taxes
 receivable as of July 1, 2013.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-165

Cancellation Of Taxes And Charges

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

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

(A) The properties listed below were placed in
 the March 2013 tax foreclosure auction and
 subsequently sold to private bidders. Code
 violation charges were inadvertently added
 to the properties which were to be sold free
 of all liens and encumbrances.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
	<u>Address</u>		
105.24-2-73	H	2013	\$ 1,950.00
120.51-4-15	H	2013	1,000.00
120.32-2-33	H	2013	4,550.00
106.67-2-33	H	2013	1,200.00
106.73-1-48	H	2013	1,200.00
106.59-3-57	H	2013	4,000.00
106.35-3-17	H	2013	1,900.00
106.45-1-31	N	2013	1,650.00
91.71-3-22	H	2013	<u>2,800.00</u>
62 St. Paul Street			\$20,250.00
Subtotal			

(B) The property located at 315 Emerson Street
 was categorized as a demolition case and a
 ticket was issued on 3/14/2011. Shortly af-
 ter the code violation ticket was issued the
 property owner agreed to rehab the property
 and pursue a Certificate of Occupancy. The
 owner was advised to schedule a hearing
 which he did, and he subsequently obtained
 a Certificate of Occupancy in which all vi-
 olations were corrected. He failed to attend
 the hearing, thinking the issue was resolved.
 Therefore, the original fine of \$2,200 was
 doubled and added to the 2013-14 tax bill.
 The sum of \$1,500 of this fine has been
 paid, and the remainder will be cancelled.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
	<u>Address</u>		
105.42-1-67	N	2013	\$ 2,900.00
315 Emerson Street			<u>\$23,150.00</u>
Grand Total			

Section 2. If full or partial payment of the afore-
 said 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.

By Councilmember Palumbo
September 17, 2013

To the Council:

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

Int. No. 343 - Authorizing The Sale Of Real Estate

Int. No. 344 - Amending Ordinance No. 2012-90 Relating To The Sale Of Real Estate

Int. No. 346 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Market Apartments At Corpus Christi Project

Int. No. 347 - Authorizing A Loan Agreement For The Market Apartments At Corpus Christi Project

Int. No. 349 - Authorizing An Agreement For The Emergency Solutions Grants Program And Amending Ordinance No. 2012-189

Int. No. 350 - Amending Ordinance No. 2008-48 Relating To The Restore NY Communities Initiative

Int. No. 340 - Authorizing Agreements For The Owner-Occupant Repair Program, As Amended

The following entitled legislation is being held in Committee:

Int. No. 345 - Authorizing The Sale Of A Portion Of 182 Exchange Boulevard, Amending And Granting Easements

Int. No. 348 - Authorizing Street Manager Agreements

Int. No. 351 - Changing The Zoning Classification Of 15 McArdle Street From R-1 Low Density Residential To M-1 Industrial

Int. No. 352 - Amending Ordinance No. 2011-322 And The 2011-12 Community Development Program And Authorizing Agreements For The Targeted Rehabilitation Program

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin (Voted against Int. No. 340)
Jacklyn Ortiz
Lovely A. Warren (Voted against Int. No. 340)
Dana K. Miller
NEIGHBORHOOD & BUSINESS DEVELOP-

MENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-306 and
Ordinance No. 2013-307
Re: Sale of Real Estate and Amending
Ordinance No. 2012-90

Transmitted herewith for your approval is legislation approving the sale of 17 properties, and amending Ordinance No. 2012-90.

Sale of Real Estate

City records have been audited to ensure that purchasers (with the exception of those buying unbuildable vacant land):

- Do not own other properties with code violations or delinquent taxes, and
- During the past five years have not been in contempt of court or fined as a result of an appearance ticket issued by the Bureau of Inspection and Compliance Services.

The first five 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 12 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 17 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,456.

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

Ordinance No. 2012-90

This ordinance authorized the sale of 336 Emerson Street to Mariela Leyva. The amendment will add her husband, Rigaberto S. Diaz, as a purchaser, which will allow the title to the property to be held in both their names.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-166

Ordinance No. 2013-306
(Int. No. 343)

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>
27 Avenue D	090.84-1-59	40x119	4,797	\$425	Francisco Cruz
WH of 163 Earl St	WH of 120.83-3-12	20x150	3,000	\$225	Deborah J. Jenkins
EH of 163 Earl St	EH of 120.83-3-12	20x150	3,000	\$225	Taquiiah Shorter
Part of 207 Melville St	Part of 107.54-3-8.1	40x30	1,200	\$ 50	Eleuterio & Cruz Maria Villot-Velazquez
W Pt of 803 Monroe Av	W Pt of 121.67-3-21.1	127x22	1,255	\$400	795 Monroe, LLC*

*Principal: Don Lasher, Owner & Sole Proprietor

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>
123 Bowman St	107.78-2-35.6	17x100	1,750	Grisel Gonzalez
2 Burbank St	091.70-3-65	34x97	3,306	Carlos Javier Figueroa
184 Child St	120.26-2-70	38x87	3,330	Light of the World Assembly of God Church, LLC**
371 Cottage St	135.27-2-1	36x100	3,666	Ciara Cannon
NH of 19 Edward St	NH of 106.40-3-42	16x99	1,650	St. John's Baptist Church***
SH of 19 Edward St	SH of 106.40-3-42	16x99	1,650	Walter Chatman
333 Emerson St	105.42-1-87.3	42x30	1,260	Wafa Ali, Inc.****
21 Lochner Pl	106.34-2-26	33x106	3,579	AJR Real Estate Holdings, LLC*****
74 Parkway	105.59-2-53.1	30x45	1,600	Robert Weldon
257 Reynolds St	120.58-3-29	35x100	3,500	Rochester Housing Authority*****
562 Tremont St	120.51-2-50	33x80	2,640	James McIntyre
WH of 68 Walnut St	WH of 105.83-2-14	27x75	2,585	John Burda

**Executives: Rev. Luis D. Hernandez, President & Sr. Pastor; Noel Ruiz, Executive Secretary; Salvatore Casiano, Treasurer

***Board of Trustees: Frank Richards, Chairman; Walter J. Hanna, III, Secretary; Benjamin Ewing, Deacon

****Principal: Ali Saleh, Owner & Sole Proprietor

*****Principal: Anthony J. Randall, Owner & Sole Proprietor

*****Board of Commissioners: Bret Garwood, Commissioner; Rev. Dr. Richard Douglass, Commissioner; Carol Schwartz, Chairperson; Maudine Brown-Long, Commissioner; Jose Cruz, Commissioner; Willie Otis, Member; Thomas Quock, 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 or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-307
(Int. No. 344)

Amending Ordinance No. 2012-90 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2012-90, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 336 Emerson Street in Section 1 from Mariela Leyva to Rigaberto S. Diaz and Mariela Leyva.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-308 and
Ordinance No. 2013-309
Re: Market Apartments at Corpus Christi

Transmitted herewith for your approval is legislation related to the Market Apartments at Corpus Christi, an affordable housing project. The project, located at 880 East Main Street in the Marketview Heights Focused Investment Strategy (FIS) area, is being undertaken by a partnership of Conifer, LLC and Isla Housing and Development, Inc. This legislation will:

1. Authorize a \$300,000 loan agreement with Market Apartments at Corpus Christi, LLC, or an affiliated partnership or housing fund development corporation to be formed for the project. The loan will be funded from the Focused Investment Strategy allocation of 2011-12 Cash Capital.
2. Authorize a property tax exemption and payment-in-lieu of taxes agreement for the project that will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for the tax credits and other financing sources for the project.

This project involves the adaptive re-use of the former Corpus Christi building at 880 East Main Street into a residential community in the Marketview Heights FIS neighborhood. All units (forty 1-bedroom, and two 2-bedroom) will be affordable to households at or below 60% of Area Median Income, with a preference toward providing housing for artists. The historically significant front portion of the building on East Main Street will be retained, while the rear portion will be demolished with new construction in its place. The Corpus Christi Apartments project enhances and supports prior and ongoing investment in the FIS and surrounding areas.

Conifer Development has received New York State Housing Trust Fund/HOME funds, Federal Low Income Housing Tax Credits, and Federal Home Loan Bank of New York funds for the project. They have applied to the Rochester Housing Authority for Section 8 project-based rental assistance vouchers and anticipate an award of at least 8 vouchers for the project.

The budget for the project is as follows:

<u>Costs</u>	
Acquisition	\$ 207,099
Construction	6,587,824
Soft Costs	1,077,260
Construction Contingency	380,654
Development Fee	984,260

Working Capital	136,600
Project Reserves	134,371
Total	<u>\$9,508,068</u>

<u>Sources</u>	
Equity	\$6,409,159
NYS HCR	2,400,000
City of Rochester	300,000
FHLB	315,000
Def. Developer Fee	<u>83,909</u>
Total	<u>\$9,508,068</u>

The City loan will be provided initially as construction financing at a 2% interest rate, to be paid annually, and will be converted to permanent financing, for a term of 30 years with interest-only payments of 2% per annum with principal due upon maturity. Eleven of the 42 affordable units will be designated and tracked as such by the City based on the City's investment.

Construction on the project is anticipated to begin in November 2013, and be completed by April, 2015.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-167

Ordinance No. 2013-308
(Int. No. 346)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Market Apartments At Corpus Christi Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the property at 880 East Main Street, SBL No. 106.75-1-3, to be owned by Market Apartments at Corpus Christi, LLC or an affiliated partnership or housing development fund corporation formed for the Market Apartments at Corpus Christi Project, and to be used for housing as a part of the Market Apartments at Corpus Christi Project.

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

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

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2013-309
(Int. No. 347)

Authorizing A Loan Agreement For The Market Apartments At Corpus Christi 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 Market Apartments at Corpus Christi, LLC or an affiliated partnership or housing development fund corporation formed for the Market Apartments at Corpus Christi Project. During construction, the loan shall be at 2% interest, to be paid annually. When the loan is converted to permanent financing, it shall be for a term of 30 years with interest at 2% payable annually. Payment of the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2011-12 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-310
Re: Emergency Solutions Grants Program - Homelessness Prevention

Transmitted herewith for your approval is legislation related to the 2013-14 Emergency Solutions Grants Program as described in the Consolidated Community Development Plan. This legislation will:

1. Appropriate \$32,168 from the Housing Choice Fund allocation (Emergency Solutions Grants Program account) of the 2013-14 Consolidated Community Development Plan for implementation of the program.
2. Amend Ordinance Number 2012-189 to reduce original allocations to service providers as summarized below, and reappropriate the resulting balance of these unused funds of \$3,144 for the 2013-14 program.

<u>Agency</u>	<u>Original Allocation</u>	<u>Unused Funds</u>	<u>Final Allocation</u>
Catholic Family Center/Francis Center	\$14,350	\$ 107	\$14,243
Catholic Family Center/Sanctuary House	\$14,350	107	\$14,243
Mercy Community Services/St. Paul	\$12,330	12	\$12,318
Spiritus Christi Prison Outreach/Neilson	\$14,800	27	\$14,773
The Center for Youth	\$28,600	203	\$28,397
The Community Place of Greater Rochester	\$19,270	2,688	\$16,582
Total reductions		\$3,144	

3. Establish \$35,312 as maximum compensation for an agreement with Wilson Commencement Park, Inc. for a Homelessness Prevention Program. The cost of the agreement will be financed from the appropriations above.

The Homelessness Prevention Program will provide support services for individuals and families who are homeless or are at imminent risk of being homeless. Eligible activities include: benefit and entitlement advocacy, case management, habitability inspections, and referrals to support services. Wilson Commencement Park, Inc. was selected through a request for proposal process, which is described in the attached summary.

With an overall objective to create a more robust homelessness services network, three priorities were established for ESG programs through a collaborative effort involving the City, County, and community service providers. The first two, expansion of capacity for emergency shelter services and coordination of services, were addressed via Ordinance Nos. 2013-241 and 2013-282, respectively. The agreement with Wilson Commencement Park will address the third priority of enhanced prevention services.

The agreement term will be for one year, with option to extend for an additional year if funds remain in the original appropriation.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-168

Ordinance No. 2013-310
(Int. No. 349)

Authorizing An Agreement For The Emergency Solutions Grants Program And Amending Ordinance No. 2012-189

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Wilson Commencement Park for a Homelessness Prevention Program

under the Emergency Solutions Grants Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$35,312, and of said amount, or so much as may be necessary, \$32,168 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Solutions Grants Program Account) of the 2013-14 Consolidated Plan, and \$3,144 is hereby reappropriated from 2012-13 Emergency Solutions Grants Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations. The agreement shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation.

Section 4. Ordinance No. 2012-189, relating to the Emergency Solutions Grants Program, as amended, is hereby further amended by reducing the amounts authorized and appropriated therein by the sum of \$3,144, which amount is reappropriated herein. The Director of Finance shall reduce the amounts for specific agreements based on the unexpended funds for each organization and shall have the authority to make adjustments to the amounts set forth herein if the amounts have changed prior to the adoption of this ordinance.

<u>Agency</u>	<u>Reduction</u>
Catholic Family Center/Francis Center	\$ 107
Catholic Family Center/Sanctuary House	107
Mercy Community Services/St. Paul	12
Spiritus Christi Prison Outreach/Neilson	27
The Center for Youth	203
The Community Place of Greater Rochester	2,688
Total	\$3,144

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Miller, Ortiz, Palumbo, Scott - 7.

Nays - None - 0.

Councilmember Spauld abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-311
Re: Amending Ordinance No. 2008-48 -
Restore NY Communities Initiative
Grant, Cox Building

Transmitted herewith for your approval is legislation amending Ordinance No. 2008-48 to change

the name of the developer of the Cox Building (36-48 St. Paul Street) from Maximus Cox, LLC to Cox Historic Lofts, LLC to reflect a proposed transfer of ownership.

Ordinance No. 2008-48 included authorization of the use of \$1 million in funding from a \$6 million Empire State Development Corporation (ESDC) Restore NY Communities Initiative Program grant for redevelopment of the Cox Building. At that time, the Cox Building was to be developed by Taib Elkettani (building owner) and Richard Ferguson as Maximus Cox, LLC. Since then, the proposed ownership structure has changed; it will be transferred to and developed by Cox Historic Lofts, LLC and/or entities controlled by each of the managing members at the closing on the financing of the project. The managing members will be Roger Rosen, Robert Lubin, Martin Zukerman, and Harvey Krasner.

Cox Historic Lofts, LLC will use the \$1,000,000 in Restore NY funding to renovate the Cox Building into approximately 15,000 square feet of commercial space and 81 residential lofts.

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

<u>Sources</u>	
Bank Loan	\$12,441,000
Equity	1,150,000
ESDC Grant	1,000,000
Historic Rehab Tax Credits	4,945,657
Total	\$19,536,657
<u>Uses</u>	
Acquisition	\$ 2,900,000
Construction	10,629,682
¹ Soft Costs	6,006,975
Total	\$19,536,657

¹ Includes: working capital; architect, engineering, developer, closing, construction management, and legal fees; construction interest; cash flow reserve; marketing costs, HUD fees (including an FHA mortgage insurance premium; appraisal and market study insurance; taxes during construction; and 10% contingency.

Construction is anticipated to start in the winter of 2014 and be complete by the winter of 2015.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, Lead Agency for the environmental review, has determined that the proposed action will not result in any significant environmental effects. A negative declaration was issued for the development.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-169

Ordinance No. 2013-311
(Int. No. 350)

Amending Ordinance No. 2008-48 Relating To The Restore NY Communities Initiative

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

Section 1. Ordinance No. 2008-48, relating to the Restore NY Communities Initiative, is hereby amended by changing the name of the developer of the Cox Building at 36-48 St. Paul Street in Section 2 from Maximus Cox LLC to Cox Historic Lofts, LLC (Managing Members: Roger Rosen, Robert Lubin, Martin Zuckerman and Harvey Krasner), and/or entities controlled by each of them.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No 340 was introduced August 13, 2013 and appears in its amended form with its transmittal letter on page 313 of the current Council Proceedings

Attachment No. AM-170

Ordinance No. 2013-312
(Int. No. 340, As Amended)

Authorizing Agreements For The Owner-Occupant Repair Program

Passed by the following vote:

Ayes - President Warren, Councilmember McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 7.

Nays - Councilmember Conklin - 1.

Councilmember Palumbo moved to discharge Int. No. 348 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-313
Re: Agreements - 2013-14 Street
Manager Program

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for agreements to provide quadrant-based business development street manager services, as summarized below. The total cost of \$75,000 will be financed from 2013-14 Community Development Block Grant (Neighborhood Commercial Development Program) funds previously appropriated via Ordinance No. 2013-180.

<u>Agency</u>	<u>Quadrant</u>	<u>Amount</u>
Action for a Better Community	Northeast	\$25,000
South Wedge Planning Committee	Southeast	25,000
Sector 4 Comm'y Dev't Corporation	Southwest	25,000
N/A	Northwest	<u>N/A</u>
Total		\$75,000

The mission of the Street Manager Program is to provide outreach and assistance to businesses within the targeted commercial corridors found in their respective quadrants of the City. This assistance is expected to result in increased business and community investment, retention of existing jobs, and the creation of new jobs. The street manager may also contribute to additional business and community development efforts. A program description is attached.

These agencies were selected through a request for proposal process which is described in the attached summary.

There were no proposals received to provide services in the Northwest Quadrant. The Neighborhood and Business Development Department is in the process of selecting an individual to represent the community on the Northwest Quadrant Team, and who will be able to assist City staff in identifying an appropriate individual/entity for a similar contract.

Agencies must document a dollar-for-dollar match prior to the City entering into an agreement to fund the street manager program. The term of each agreement will be for one year.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-171

Ordinance No. 2013-313
(Int. No. 348)

Authorizing Street Manager Agreements

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

Section 1. The Mayor is hereby authorized to enter into agreements not to exceed \$25,000 with the following agencies for Street Manager services: Action for a Better Community, Inc. for the Northeast Quadrant, South Wedge Planning Committee for the Southeast Quadrant, and Sector 4 Community Development Corporation for the Southwest Quadrant.

Section 2. Said agreements shall be funded from the Neighborhood Commercial Assistance Programs Funds appropriated in Ordinance No. 2013-180.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, McFadden, Ortiz, Palumbo, Spaul - 6.

Nays - None - 0.

Councilmembers Miller and Scott abstained because of a professional relationship.

Councilmember Palumbo moved to discharge Int. No. 352 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-314
Re: Targeted Rehabilitation Program,
Southwest Quadrant

Transmitted herewith for your approval is legislation related to funding for a targeted rehabilitation program in the Southwest Quadrant of the City. This legislation will:

1. Amend Ordinance No. 2011-322, which appropriated \$510,000 from the Housing Development Fund of the 2011-12 Con Plan for the Emergency Assistance Repair Program (EARP), and authorized agreements totaling that amount with Group 14621 and NCS Community Development Corporation for program implementation. The ordinance was previously amended (Ord. No. 2013-123) to re-appropriate \$216,000 for the City's direct provision of EARP services. The amendment proposed herein will rescind the remaining \$294,000 of the original appropriation and the agreements with NCS for EARP.
2. Amend the 2011-2012 Consolidated Community Development Plan to:
 - a. Establish the Targeted Rehabilitation Program, a new account within the Housing Development Fund for 2011-2012; and
 - b. Transfer \$231,000 from the Housing Development Fund (Emergency Assistance Repair Program account) to the Targeted Rehabilitation Program account, and appropriating that amount for the Southwest Quadrant Targeted Rehabilitation Program.
3. Establish \$200,000 as maximum compensa-

tion for an agreement with Sector 4 Community Development Corporation to provide customer and construction management services for the Targeted Rehabilitation Program (described below). The cost of the agreement will be funded from the appropriation herein.

4. Establish \$6,000 as maximum compensation for an agreement with Environmental Testing & Consulting to provide lead hazard evaluation services for the program. The cost of the agreement will be funded from the above appropriation.

The remaining \$25,000 of the amount appropriated herein will be used for the cost of windows to be used for the program.

The Targeted Rehabilitation Program allows for housing rehabilitation to be focused within a specific geographical area to support recent public and private investments. Ordinance No. 2012-293 authorized agreements with Ibero American Development Corporation and NCS for program implementation in the El Camino and Holy Rosary project areas, respectively.

The agreement with Sector 4 CDC will provide assistance to homeowners in the southwest quadrant. The targeted area is yet to be determined. The program will adhere to previously established standards, including the following:

- Eligible homeowners must have household incomes at or below 80% of the area median income, and must be current with City property tax payments.
- Eligible activities include: roofing, window and door replacement, driveways, painting, siding, porch repair and/or replacement, security fencing, furnace repair/replacement, electrical services, and water and sewer line repair.
- Assisted owners will receive a lead-based paint inspection/risk assessment, and all lead-based paint hazards will be corrected.
- The amount of assistance will not exceed \$30,000 per property.

Environmental Testing & Consulting was selected to provide lead hazard evaluation services through a request for proposal process described in the attached summary.

The program is expected to begin by October 1, 2013 and will be completed by September 30, 2014. The funds appropriated herein will provide for six properties to be addressed.

A public hearing on amending the 2011-2012 Consolidated Plan is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-172

Ordinance No. 2013-314
(Int. No. 352)

Amending Ordinance No. 2011-322 And The 2011-12 Community Development Program And Authorizing Agreements For The Targeted Rehabilitation Program

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

Section 1. Ordinance No. 2011-322, relating to Home Repair Programs, as amended by Ordinance No. 2013-123, is hereby further amended by rescinding the authorization for agreements with NCS Community Development Corporation and the remaining appropriation for said purpose in the amount of \$294,000.

Section 2. The Council hereby approves an amendment to the 2011-12 Community Development Program Plan transferring the sum of \$231,000 from the Emergency Assistance Repair Program Account to a new Targeted Rehabilitation Program Account within the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation of the 2011-12 Community Development Block Grant.

Section 3. The sum of \$231,000, 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 (Targeted Rehabilitation Program Account) of the 2011-12 Community Development Block Grant to fund a Targeted Rehabilitation Program in the southwest quadrant of the City.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program.

Section 5. The Mayor is hereby authorized to enter into an agreement with Sector 4 Community Development Corporation to provide customer and construction management services for the Program. The agreement shall obligate the City to pay an amount not to exceed \$200,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3.

Section 6. The Mayor is hereby authorized to enter into an agreement with Environmental Testing and Consulting for lead hazard evaluation services for the Program. The agreement shall obligate the City to pay an amount not to exceed \$6,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate. The agreements authorized in Sections 5 and 6 shall extend for one year, with an option to extend for an additional year if funds remain in the original appropriation. The City shall only enter into agreements with organiza-

tions that are in compliance with Federal regulations.

Section 8. The sum of \$25,000, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3 for the City to purchase windows to implement the Program.

Section 9. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 345
Re: Rochester Gas and Electric
Substation Improvements

Transmitted herewith for your approval is legislation that will allow Rochester Gas & Electric Corporation (RG&E) to perform the necessary upgrades to its Station 26 Electric Substation, located along the westerly portion of the Genesee River. Specifically, this legislation will:

1. Authorize the sale to RG&E of a portion of 182 Exchange Boulevard, comprising approximately 459+/- square feet. The sale price of \$1,400 was established by an independent appraisal performed by Robert G. Pogel, SRPA on July 29, 2013.
2. Amend a permanent access easement over a portion of 25 Court Street and 182 Exchange Boulevard, as granted to RG&E (Ord. No. 99-287), to increase its size to allow for realignment of a driveway.
3. Release permanent easements previously granted to RG&E via Ordinance No. 99-287. These easements are over the eastern portion of 180 Exchange Boulevard, 182 Exchange Boulevard, and the western portion of 47 Court Street.
4. Grant a temporary construction easement to RG&E of approximately 6,166 +/- square feet over a portion of 25 Court Street and 182 Exchange Boulevard for compensation in the amount of \$7,500 for a period not to exceed 18 months. The fee is based on an independent appraisal performed by Robert G. Pogel, SRPA on July 29, 2013.

These agreements will facilitate upgrades being made to RG&E Substation 26 located at 31 Court Street. The project includes replacement of transformers, construction of a new 2-story, 1,420 +/- square foot building, equipment and accessories, and other improvements. The substation is situated on a parcel with frontage along the Genesee River, but no public street frontage. The property adjoins Municipal Lot #10, which is currently leased to SMG in conjunction with its operation of the Blue Cross Arena at the War Memorial. Street access to the substation is provided via an easement across the City property pursuant to Ordinance No. 99-

287.

The amendment of the permanent access easement will increase the driveway by approximately 730 +/- square feet over a portion of 25 Court Street and 182 Exchange Boulevard immediately south of the parcel of land being sold to RG&E. The increased square footage will allow the widening of the existing driveway in order to accommodate the placement of the transformers. The access easements over the eastern portion of 180 Exchange Boulevard, 182 Exchange Boulevard, and the western portion of 47 Court Street will be abandoned and released because RG&E will no longer need these lands for access upon project completion.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 345

AUTHORIZING THE SALE OF A PORTION OF 182 EXCHANGE BOULEVARD, AMENDING AND GRANTING EASEMENTS

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 182 Exchange Boulevard, SBL No. 121.39-1-3, of approximately 459 square feet, to the Rochester Gas & Electric Corporation (RG&E) for the sum of \$1,400.

Section 2. The Council hereby authorizes an amendment to the permanent access easement over the parcels at 25 Court Street and 182 Exchange Boulevard granted to RG&E pursuant to Ordinance No. 99-287, which will increase the area authorized to approximately .570 acres to allow a driveway to be realigned. The Council further approves the release of permanent easements previously granted to RG&E over the eastern portion of 180 Exchange Boulevard, 182 Exchange Boulevard, and the western portion of 47 Court Street.

Section 3. The Council hereby approves the granting of a temporary construction easement to RG&E over approximately 6,166 square feet of the parcels at 25 Court Street and 182 Exchange Boulevard, for the sum of \$7,500, for a period not to exceed 18 months.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 351
Re: Zoning Map Amendment - 15 McArdle Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning 15 McArdle Street from R-1

(Low Density Residential District) to M-1 (Industrial District). The applicant is the owner of the property, Stephen DiPaolo.

The building was constructed in 1948 as a manufacturing building, and the property had been zoned M-1 since at least 1957, but was rezoned to R-1 in 2003 as part of the overall update to the Zoning Code. The properties to the east and the west of 15 McArdle Street are zoned R-1; the property to the south is zoned M-1.

The applicant purchased the property in 1997 when it was zoned M-1; the building is a legal, nonconforming structure in the R-1 district and its current uses - Z Tek Manufacturing and Metropolitan Granite - are also nonconforming. However, almost half of the building is currently vacant; any future manufacturing uses in this vacant space would require a special permit or use variance. Therefore, Mr. DiPaolo is asking that the M-1 Zoning be restored to the property to facilitate future rental or sale of the property.

The City Planning Commission held an informational meeting on this proposed rezoning on Monday, August 12, 2013. One person spoke in support of the rezoning; three spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended approval. The minutes and recommendation from that meeting are attached.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 351

CHANGING THE ZONING CLASSIFICATION OF 15 MCARDLE STREET FROM R-1 LOW DENSITY RESIDENTIAL TO M-1 INDUSTRIAL

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 15 McArdle Street, from R-1 Low Density Residential to M-1 Industrial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 76, 20,000 Acre Tract and being more particularly bounded and described as follows: Beginning at the intersection of the centerline of McArdle Street (58' ROW) and the northerly extension of the west line of Lot 28 of the Louis Dezen's Subdivision, as filed in the Monroe County Clerk's Office in Liber 76 of Maps, Page 19, said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of McArdle Street, a distance of 240.0 feet to the nor-

therly extension of the east line of Lot 33 of said Louis Dezen's Subdivision; thence

- 2) Southerly, along said extension and the east line of Lot 33, a distance of 157.83 feet to the southeast corner thereof; thence
- 3) Westerly, along the south line of said Lot 33, a distance of 10.0 feet to a point; thence
- 4) Southerly, parallel with Glide Street (66' ROW), a distance of 40.0 feet to a point; thence
- 5) Westerly, parallel with the south line of said Louis Dezen's Subdivision, a distance of 230.0 feet, more or less, to the southerly extension of the said west line of Lot 28; thence
- 6) Northerly, along said extension and the west line of Lot 28, a distance of 200.1 feet to the said centerline of McArdle Street, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Scott
September 17, 2013

To the Council:

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

Int. No. 353 - Authorizing Participation In The I-390 Interchange Improvement Project

Int. No. 354 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$98,000 Bonds Of Said City To Finance The Cost Of Design And Installation Of A New Boiler In The Edgerton Recreation Center In The City

Int. No. 355 - Authorizing Agreements For The Photech Site Development Project

Int. No. 356 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Rochester Community War Memorial Terrace In The City

Int. No. 357 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Community War Memorial Terrace Project

Int. No. 358 - Establishing Maximum Compensation For An Agreement For Former High Falls Festival Site Maintenance Services

Int. No. 359 - Amending Ordinance No. 2013-24 Relating To The Mt. Hope Avenue Phase II Village

District Project

Int. No. 360 - Authorizing An Agreement For A Radio Antenna

Int. No. 369 - Establishing Maximum Compensation For A Professional Services Agreement For the Cornerstone Park Improvements Project

Int. No. 370 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$442,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Stutson Street Improvement Project, As Amended

Int. No. 371 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$268,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Stutson Street Improvement Project

Int. No. 372 - Establishing Maximum Compensation For A Professional Services Agreement For The Stutson Street Improvement Project

Int. No. 373 - Establishing Maximum Compensation For Professional Services Agreements For Public Art For The Erie Harbor Enhancements Project

Int. No. 378 - Authorizing Agreements And Appropriating Funds For The Port Marina And Mixed Use Development Project

Int. No. 379 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$8,420,000 Bonds Of Said City To Finance The Cost Of Construction Of The Port Marina In The City

Int. No. 380 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$203,000 Bonds Of Said City To Finance The Cost Of The Construction Of The Lighthouse Trail And Overlook As Part Of The Port Marina And Mixed Use Development In The City

Int. No. 381 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Various Water Mains In The City Related To The Port Marina And Mixed Use Development

The following entitled legislation is being held in Committee:

Int. No. 375 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,966,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of The Midtown Redevelopment Project In The City

Int. No. 376 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For The Midtown Redevelopment Project, Appropriating Funds And Amending Or-

dinances No. 2010-69 And 2013-55

Attachment No. AM-173

Int. No. 377 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Various Holley Water Mains In The City Related To The Mid-town Redevelopment Project

Ordinance No. 2013-315
(Int. No. 353)

Authorizing Participation In The I-390 Interchange Improvement Project

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

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

Received, filed and published.

Section 1. The Council hereby approves City participation in and administration by the New York State Department of Transportation of the I-390 Interchange Improvement Project at NYS Route 15 (Mt. Hope Avenue).

TO THE COUNCIL:
Ladies and Gentlemen:

Section 2. The Mayor, or his designated representative, is hereby authorized to enter into such agreements with the New York State Department of Transportation and to sign such other documents as may be necessary for the City to participate in the Project in accordance with the conditions set forth herein. The Council hereby approves the relocation of and adjustment to the City's water mains and appurtenances, as shown on the contract plans, by the State at no cost to the City. The agreements shall provide that the City will maintain or cause to be maintained its relocated and/or adjusted water facilities on the project as shown on the contract plans.

Ordinance No. 2013-315
Re: I-390 Interchange Improvements
At NYS Route 15 (Mt. Hope Avenue)

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

Transmitted herewith for your approval is legislation related to Phase 2B of the New York State Interstate 390 Interchange Improvement project. Phase 1 of the project, currently under construction and expected to be completed in fall 2013, includes entrance and exit ramp reconstruction at E. River Road and the construction of a roundabout at E. River Road and Kendrick Road. Phase 2A is also under construction and expected to be completed in spring 2014; it includes construction of a new entrance ramp from Kendrick Road to I-390.

Section 4. This ordinance shall take effect immediately.

Phase 2B focuses on interchange improvements at New York State Route 15 (Mt. Hope Avenue), and includes modifications to existing City water facilities. One fire hydrant will be relocated, and several valve boxes on Mt. Hope Avenue between Westfall Road and the Erie Canal will be adjusted. This legislation will:

Passed unanimously.

1. Authorize an agreement with the New York State Department of Transportation for the City's participation in this State administered project.
2. Approve the relocation of and adjustment to the City's water mains and appurtenances needed to accommodate the improvements, the cost of which will be covered by the State.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-316
Re: Edgerton Recreation Center Boiler Replacement

Construction of Phase 2B is anticipated to begin in March 2014 and be completed by December 2014. Phases 3 and 4 involve reconstruction of the Route 15A Bridge over the Erie Canal and improvements to the I-390/Route 15A Interchange, respectively. The construction schedules for Phases 3 and 4 have not yet been determined.

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$98,000 and the appropriation of the proceeds thereof to finance the design and installation of a new high-efficiency boiler at the Edgerton Recreation Center.

The existing boilers are 24 years old and have become problematic and unreliable. The new boiler will result in consumption of 13% less gas, and a reduction in service calls.

Respectfully submitted,
Thomas S. Richards,
Mayor

It is anticipated that the work will begin in May 2014 with scheduled completion in July 2014. The project will result in the creation/retention of the equivalent of 1.1 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-316
(Int. No. 354)

**Bond Ordinance Of The City Of Rochester,
New York, Authorizing The Issuance Of \$98,000
Bonds Of Said City To Finance The Cost Of
Design And Installation Of A New Boiler In The
Edgerton Recreation Center In The City**

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

Section 1. The City of Rochester, in the County
of Monroe, New York (herein called "City"), is
hereby authorized to finance the cost of construc-
tion of design and installation of a new boiler at the
Edgerton Recreation Center at 41 Backus Street, a
Class A Building, in the City (the "Project"). The
estimated maximum cost of said specific object or
purpose, including preliminary costs and costs
incidental thereto and the financing thereof, is
\$98,000, and said amount is hereby appropriated
therefor. The plan of financing includes the iss-
uance of \$98,000 bonds of the City and the levy
and collection of an ad valorem tax on all the taxa-
ble 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 \$98,000 are hereby authorized to be
issued pursuant to the Constitution and laws of the
State of New York, including the provisions of the
Local Finance Law, constituting Chapter 33-a of
the Consolidated Laws of the State of New York
(herein called the "Law"), this Ordinance, and other
proceedings and determinations related thereto.

Section 3. The City intends to finance, on an
interim basis, the costs or a portion of the costs of
said improvements for which bonds are herein
authorized, which costs are reasonably expected to
be reimbursed with the proceeds of debt to be in-
curred by the City, pursuant to this Ordinance, in
the amount of \$98,000. This Ordinance is a decla-
ration of official intent adopted pursuant to the
requirements of Treasury Regulation Section
1.150-2.

Section 4. The period of probable usefulness of
said specific object or purpose for which said bonds
authorized pursuant to this Ordinance are to be
issued, within the limitations of 11.00 a.13 of the
Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this
Ordinance and any bond anticipation notes issued
in anticipation of the sale of said bonds shall con-
tain the recital of validity as prescribed by Section
52.00 of the Law and said bonds and any notes
issued in anticipation of said bonds, shall be gener-
al obligations of the City, payable as to both prin-
cipal and interest by an ad valorem tax upon all the
taxable real property within the City without limita-
tion 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 ma-
ture in such year and (b) the payment of interest to
be due and payable in such year.

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

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

- (a) such obligations are authorized for an object
or purpose for which the City is not author-
ized to expend money, or
- (b) the provisions of law which should be com-
plied with at the date of the publication of
such Ordinance are not substantially com-
plied 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 autho-
rized and directed to publish a summary of the
foregoing ordinance, together with a Notice at-
tached in substantially the form prescribed by Sec-
tion 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. 2013-317
Re: Photech Site Development
Infrastructure Project

Transmitted herewith for your approval is legisla-
tion related to the development of the former
brownfield site previously occupied by Photech, a

photographic film and paper manufacturing facility. This legislation will:

1. Authorize an agreement with the U.S. Department of Commerce Economic Development Administration (EDA) for receipt and use of a \$700,000 grant to support site development infrastructure at 1000 Driving Park Avenue.
2. Establish \$200,000 as maximum compensation for an agreement with Fisher Associates, P.E., L.S., P.C., 135 Calkins Road, Rochester, NY 14623, for preparation of a subdivision plat map, engineering design, and resident project representation (RPR) services for the Project. The cost of the agreement will be funded from the EDA grant (\$94,500) and prior years' Department of Neighborhood and Business Development Cash Capital allocations (\$105,500).

This site was used by Photech until the early 1990s, and was acquired by the City in 1997 through tax foreclosure. To date, grants from the State Department of Environmental Conservation (\$3.4 million) and the U.S. Environmental Protection Agency (\$200,000) have supported the City's cleanup of the site. The environmental cleanup is now substantially complete.

Post-cleanup groundwater monitoring is underway, and final reporting will be submitted to the NY Department of Environmental Conservation (NYSDEC) when completed. Upon approval of the final cleanup reporting, the City and subsequent property owners will receive environmental liability indemnification from the State, which will allow commercial and industrial redevelopment of the property to proceed.

The EDA grant will be used, along with the City match of \$762,200 in Cash Capital (as per Ord. No. 2009-268), to support the installation of infrastructure at the site to improve marketability for light industrial development. Once the infrastructure is completed, the site is anticipated to draw \$20 million in private investment and has the potential to create 200-250 jobs.

The infrastructure to be constructed includes site grading, a new heavy duty asphalt cul-de-sac roadway with curbing and catch basins, sanitary and storm sewers, a street lighting system, a domestic water main, traffic striping, signage, and conduit and pull boxes at the new roadway's intersection with Driving Park Avenue for a possible signal in the future.

Fisher Associates, P.E., L.S., P.C. was selected through a request for proposal process described in the attached summary.

Construction will begin spring 2014 and will be complete fall of 2014. This project will result in the creation/retention of the equivalent of 2.2 full-time jobs.

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AM-174

Ordinance No. 2013-317
(Int. No. 355)

Authorizing Agreements For The Photech Site Development Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Commerce Economic Development Administration for funding to support site development infrastructure for the Photech Site Development Project at 1000 Driving Park Avenue.

Section 2. The sum of \$700,000 is hereby appropriated from anticipated reimbursements from the Economic Development Administration to fund the Project.

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

Section 4. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fisher Associates for preparation of a subdivision plat map, engineering design and resident project representation services for the Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$94,500 shall be funded from the appropriation made in Section 2 and \$105,500 shall be funded from the Cash Capital allocation from prior years.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-318 and
Ordinance No. 2013-319

Re: War Memorial Terrace Improvements

Transmitted herewith for your approval is legislation related to the War Memorial Terrace Improvements project. This legislation will:

1. Authorize the issuance of bonds totaling \$600,000 and the appropriation of the proceeds thereof to finance the cost for design and construction of the Project.
2. Establish \$124,000 as maximum compensation for an agreement with T.Y. Lin International for engineering design and resident project representation (RPR) services. The

cost of the agreement will be funded from the bonds appropriated herein.

The Rochester Community War Memorial Terrace is located on the west side of the Genesee River and bounded by the Blue Cross Arena, Court Street and Broad Street, as shown in the attached map.

T.Y. Lin will provide engineering and landscape architectural services to develop conceptual plans for a new terrace layout to support programming needs for the Arena. The goal is to re-energize the space, maximize engagement of public activity, and emphasize the site as a community War Memorial. The new plan will address all components of the terrace, including park amenities, green space, planting areas, walls, railing, and lighting. Pedestrian paths will be realigned to improve flow site lines, improve compatibility with adjacent connections, and optimize views. The project scope includes site reconnaissance and survey, preliminary planning (conceptual design), final design, bid, construction phase, and RPR services.

T.Y. Lin International was selected through a request for proposal process described in the attached summary.

Project design will begin in fall 2013; it is anticipated that construction will begin in spring 2014 with scheduled completion in fall 2014.

Estimated cost for the project is \$600,000, which will result in the creation/retention of the equivalent of 6.5 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-175

Ordinance No. 2013-318
(Int. No. 356)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Rochester Community War Memorial Terrace 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 planning and implementing repairs to the Rochester Community War Memorial Terrace at 100 Exchange Boulevard in the City, including park amenities, green space, planting areas, walls, railings and lighting, and improvements to the pedestrian path (the "Project"). 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 \$600,000, and said amount is hereby appropriated therefor. The plan of financing includes the is-

suance of \$600,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.19(c) of the Local Finance Law, is fifteen (15) years.

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

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

delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

Ordinance No. 2013-319
(Int. No. 357)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Community War Memorial Terrace Project

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

Section 1. The sum of \$124,000, 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 design and resident project representation services for the Rochester Community War Memorial Terrace Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-320
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 2013-14 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 the lease stipulate that the Corporation is responsible for normal maintenance of the site and terrace areas. Additional services are provided for certain designated areas and are specified in the agreement.

Area-wide services include: litter and trash removal; routine graffiti removal; repair and resetting of pavers as needed; reseating of pavers every two years; annual fertilizing and mulching of landscape beds; and watering and weeding of landscape beds as needed. Additional services, depending on the specific sub-areas, include: cleaning and removal of stains on pavers and concrete surfaces; painting of all metal surfaces; snow plowing, removal and deicing as needed; repointing of stone walls as needed; repair and painting of plastered walls on terrace as needed; painting of fences and railings as needed; replacement of light bulbs as needed; and weekly cleanup of the "shelf" area contiguous to the terrace.

High Falls Development Corporation was selected to provide maintenance services given its interests in the surrounding area, proximity to the site, and the capability to provide maintenance services. The firm has provided these services since October 2000 (Council Ordinance No. 2000-289), and the most recent agreement was authorized in November 2012 (Council Ordinance No. 2012-420).

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-176

Ordinance No. 2013-320
(Int. No. 358)

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 2013-14 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. 2013-321
Re: Amending Ordinance No. 2013-24 -
Mt. Hope Avenue Phase II

Transmitted herewith for your approval is legislation amending Ordinance No. 2013-24, which authorized an agreement related to the construction of a shared access and parking area as part of the Mt. Hope Avenue Phase II Village District Project. One of the entities was incorrectly identified as Mamasan's Monroe LLC. This legislation will correct the name to: Mamasan's Mt. Hope LLC.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-321
(Int. No. 359)

Amending Ordinance No. 2013-24 Relating To The Mt. Hope Avenue Phase II Village District Project

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

Section 1. Ordinance No. 2013-24, relating to the Mt. Hope Avenue Phase II Village District Project, is hereby amended by changing the name of the party for one of the authorized agreements from Mamasan's Monroe LLC to Mamasan's Mt. Hope LLC.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-322
Re: Agreement - Rochester Housing Authority, Use of Lake Tower Apartment Building

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Housing Authority (RHA) to allow the City to install radio antenna and equipment on the roof of the RHA-owned Lake Tower Apartment Building located at 321 Lake Avenue. The site has proven to be advantageous due to its height of fourteen stories and generally unobstructed location. The antenna will service the field communications system of the City's Department of Environmental Services.

Installation of the equipment will be the responsibility of the City. Permission for the equipment to remain at the location will continue until such time that RHA exercises its right to revoke such permission. No funds are required to execute this agreement.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-322
(Int. No. 360)

Authorizing An Agreement For A Radio Antenna

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Authority to allow for the installation and maintenance by the City of a radio antenna and equipment for the Department of Environmental Services on the roof of the Lake Tower Apartment Building at 321 Lake Avenue. The City shall not be charged for use of the space. The agreement shall continue indefinitely upon mutual consent, with termination by either party upon 60 days' written notice.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-323
Re: Cornerstone Park Improvements

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with McCord Snyder Landscape Architecture, PLLC, for planning and design services for the Cornerstone Park Improvement project. The cost of the agreement will be financed from prior years' Cash Capital.

Cornerstone Park is located at the intersection of Broad and Stone Streets. The project includes the renovation/replacement of the existing water feature, replacement of park furnishings and features, landscape enhancements, streetscape enhancements within the surrounding right-of-way, and the incorporation of green infrastructure throughout.

McCord Snyder Landscape Architecture, PLLC, was selected through a request for proposal process described in the attached summary.

The total cost of improvements to the park is estimated at \$930,000. A previously appropriated grant from the New York State Department of

Environmental Conservation, Water Quality Improvement Program (Ord. No. 2011-37) will fund a portion (\$722,500) of the improvements to the park.

The design of the project results in the creation/retention of the equivalent of 1.3 full-time jobs. Design will begin in fall 2013; it is anticipated that construction will begin in summer 2014 with scheduled completion in fall 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-177

Ordinance No. 2013-323
(Int. No. 369)

Establishing Maximum Compensation For A Professional Services Agreement For The Cornerstone Park Improvements Project

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 McCord Snyder Landscape Architecture, PLLC for planning and design services for the Cornerstone Park Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. The agreement 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. 2013-324,
Ordinance No. 2013-325 and
Ordinance No. 2013-326

Re: Stutson Street Improvement Project

Transmitted herewith for your approval is legislation related to the Stutson Street Improvement Project (Lake Avenue to River Street). This legislation will:

1. Authorize the issuance of bonds totaling \$442,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements of the Project;
2. Authorize the issuance of bonds totaling \$268,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements of the Project;
3. Establish \$98,000 as maximum compensation for a professional services agreement with

Stantec Consulting Services, Inc., for resident project representation (RPR) services. The cost of the agreement will be funded from the proposed street bonds (\$58,000), proposed water bonds (\$19,000), a grant from Dormitory Authority of the State of New York, New York Economic Development Program (\$16,000) and prior years' cash capital allocations (\$5,000).

The Project, designed by the Department of Environmental Services, Bureau of Architecture and Engineering, includes: asphalt pavement milling and resurfacing; installation of a six-inch water main with new services and hydrants; granite curbing, underdrain, driveway aprons, signs, catch basin; concrete sidewalks (some with salvaged brick highlights); replacement of retaining walls behind the sidewalk; tree removals; and topsoil and seeding. Total project cost is estimated at \$999,700 and will be funded from the bonds appropriated herein, the NYEDP grant and prior years' cash capital allocations.

A \$300,000 grant from the Dormitory Authority of the State of New York, New York Economic Development Program (NYEDP) was appropriated for improvements in the Charlotte area. This grant will cover the cost of lighting enhancements on various residential streets, including Stutson Street, and the brick salvage and brick highlights in the sidewalks on the Stutson Street project. The NYEDP funds were secured through the sponsorship of State Senator Joseph Robach.

Stantec Consulting Services Inc. was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

Public meetings were held on June 12, 2012 and April 30, 2013. Minutes of those meetings are attached.

Construction will begin in fall 2013 and will be completed in late spring of 2014. This project will result in the creation/retention of the equivalent of 10.8 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-178

Ordinance No. 2013-324
(Int. No. 370, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$442,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of Certain Streets As A Part Of The Stutson 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 reconstruction of certain streets as a part of the Stutson 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 ~~\$999,700~~ 731,700. The plan of financing includes the issuance of \$442,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of ~~\$300,000~~ 227,600 from New York Economic Development Program funds from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2012-110 and \$62,100 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 \$442,000 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 authori-

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

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

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

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

Strikeout material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2013-325
(Int. No. 371)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$268,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Stutson 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 Stutson

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 \$268,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$268,000 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 \$268,000 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 \$268,000. 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. 2013-326
(Int. No. 372)

Establishing Maximum Compensation For A Professional Services Agreement For The Stutson Street Improvement Project

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

Section 1. The sum of \$98,000, 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 Stutson 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, \$58,000 shall be funded from a bond ordinance adopted for street improvements for the Project, \$19,000 shall be funded from a bond ordinance adopted for water improvements for the Project, \$16,000 shall be funded from New York Economic Development Program funds from the Dormitory Authority of the State of New York appropriated in Ordinance No. 2012-110 and \$5,000 shall be funded from the Cash Capital allo-

cation from prior years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-327
Re: Agreements - Public Art for the
Erie Harbor Enhancements Project

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the artists below for Public Art for the Erie Harbor Enhancements Project. The cost of the agreements will be financed from New York State Local Waterfront Revitalization Grant funds previously appropriated for this purpose (Ord. No. 2010-334).

<u>Artist/Team</u> <u>Description</u>	<u>Amount</u>
Jill Gussow Erie Harbor Bird	\$72,000
Patrick Doyle/Pietro Furgiuele Wedge, Hope, Wave, & Anchor Buoys	\$100,000

The Erie Harbor Enhancements Project plan, developed in 2012, included several improvements. Enhanced public pedestrian access to the waterfront, landscaping, and streetscape improvements along the west side of Mount Hope Avenue were completed in spring 2013. These project components were partially City funded and met the Waterfront Revitalization Grant requirements for a local match.

The plan also specified sites for the installation of public art, as shown in the attached illustration. The artist Jill Gussow and the artist team of Patrick Doyle and Pietro Furgiuele were selected through a call for art which allowed for up to three artists to be selected for original artworks to be installed at five locations. The selected works are also shown in the attached illustration. The selection process is described in the attached summary.

The artists will be responsible for design, fabrication, transportation, and installation of the sculptures.

Installation of the works is anticipated in the spring and summer of 2014. The project will result in the creation/retention of the equivalent of two full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-179

Ordinance No. 2013-327
(Int. No. 373)

Establishing Maximum Compensation For

Professional Services Agreements For Public Art For The Erie Harbor Enhancements 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 a professional services agreement between the City and Jill Gussow for public art for the Erie Harbor Enhancements Project. Said amount shall be funded from the New York State Waterfront Revitalization Grant Funds appropriated in Section 2 of Ordinance No. 2010-334.

Section 2. 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 Patrick Doyle and Pietro Furgiuele for public art for the Erie Harbor Enhancements Project. Said amount shall be funded from the New York State Waterfront Revitalization Grant Funds appropriated in Section 2 of Ordinance No. 2010-334.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-328,
Ordinance No. 2013-329,
Ordinance No. 2013-330 and
Ordinance No. 2013-331
Re: Port Marina and Mixed Use
Development Project

Transmitted herewith for your approval is legislation related to the financing and construction of the Port Marina and Mixed Use Development Project. This legislation will:

1. Appropriate anticipated reimbursements from New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for the receipt and use of a Boater Infrastructure Grant (BIG) in the amount of \$1,450,000 to fund a portion of the Marina and Mixed Use Development Project.
2. Appropriate a total of \$3,130,545 in anticipated reimbursements from the New York State Department of State (NYSDOS) to partially fund construction of components of the project. Agreements with the NYSDOS for receipt of these grants were previously authorized as summarized below:

<u>Amount</u> <u>Use</u>	<u>Ordinance No.</u>
\$1,100,000	2009-347
Marina construction - 1	
745,545	2011-396
Marina construction - 2	

250,000	2007-455
	Street improvements and scenic overlook construction
885,000	2009-347
	Promenade and construction of related improvements
<u>150,000</u>	2008-269
	Lighthouse Trail and Overlook
\$3,130,545	Total

3. Authorize the issuance of bonds totaling \$8,420,000 and the appropriation of the proceeds thereof to partially finance Port Marina and Mixed Use Development Project.
4. Authorize the issuance of bonds totaling \$203,000 and the appropriation of the proceeds thereof to partially finance construction of the Lighthouse Trail and Overlook.
5. Authorize the issuance of bonds totaling \$400,000 and the appropriation of the proceeds thereof to partially finance water improvements.
6. Establish \$1,850,000 as maximum compensation for an agreement with LaBella Associates for resident project representation (RPR) services required for the project. The cost of the agreement will be funded as follows:

<u>Source</u>	<u>Amount</u>
Bonds appropriated herein	\$1,174,000
Water bonds appropriated herein	30,000
BIG grant	145,000
NYSDOS grants:	
Marina 1	110,000
Marina 2	74,600
Street improvements	25,000
Promenade	88,500
Prior years' Cash Capital	107,200
NYS Multimodal Program	<u>95,700</u>
Total	\$1,850,000

7. Establish \$60,000 as maximum compensation for an agreement with McCord Snyder Landscape Architecture, PLLC (Penfield, NY) for services related to the Lighthouse Trail and Overlook. The cost of the agreement will be funded from the bonds appropriated herein (\$30,000) and the Lighthouse Trail and Overlook NYSDOS grant (\$30,000).

Phase I of the Port Marina and Mixed Use Development Project

The project includes construction of the marina basin and pedestrian promenade, all planned right-of-way improvements, installation and relocation of utilities as required, extension of the Genesee Riverway Trail to connect with Ontario Beach Park, reconstruction of the land-side facilities at the public boat launch, and renovations at the Terminal Building to accommodate boater facility improvements. The estimated total cost for construction of the Phase I improvements is \$20 million. Funding sources and uses are summarized below:

<u>Amount</u>	<u>Funding Source</u>
\$ 1,450,000	NYSOPRHP - BIG Grant
2,980,545	NYSDOS Grants
198,000	*NYSEFC Grant
957,000	NYS Multi-Modal Grant Ord. 98-379
8,420,000	General Bond
400,000	Water Bond
<u>5,594,455</u>	**Prior years' Cash Capital
\$20,000,000	Total

<u>Amount</u>	<u>Use</u>
\$14,000,000	Utility, roadway, pedestrian, site, marine improvements
1,500,000	Purchase and installation of the dock systems
200,000	Terminal Building - restrooms, showers, laundry facilities
1,150,000	Disposal Fees
1,850,000	RPR Services
<u>1,300,000</u>	Contingency
\$20,000,000	Total

- * *New York State Environmental Facilities grant appropriated via Ord. No. 2013-77*
- ** *This reflects the proceeds from the sale of the watershed appropriated for this purpose (Ord. No. 2010-69), less \$300,000 to be reallocated to the Midtown Redevelopment Project in separate legislation submitted this month. The remaining balance will be available, as needed, for project contingencies.*

The first construction contract consists primarily of the construction of utility, roadway, pedestrian, site and marine improvements including a new 4.7 acre marina within the Port of Rochester. The contract will include a project labor agreement (PLA) which, according to a report prepared by Seeler Engineering, P.C., a recognized expert on PLAs, will result in estimated savings between \$400,000 and \$900,000.

The PLA will set workforce goals of 20 percent minority and 6.9 percent women participation. Other benefits associated with application of the PLA include: avoidance of delays and the resultant costs of potential strikes and other work disruptions; increased flexibility in scheduling work, shift hours and times; increased productivity; a reliable source of skilled and experienced labor; and maximum safety conditions for workers and the public.

Final design of the project was performed by the Edgewater Group who teamed with LaBella Associates and Bergmann Associates as authorized via Ord. Nos. 2010-306 and 2012-306. LaBella Associates was selected to provide RPR services during construction through a request for proposal process, described in the attached summary, in accordance with federal, state and local policies, as required by the granting agencies.

Construction of Phase I Improvements is anticipated to begin in fall 2013 with scheduled completion in fall 2015. The project will result in the creation/retention of the equivalent of 217 full-time jobs.

Lighthouse Trail and Overlook

In conjunction with the Port Marina and Mixed Use Development Project, a multi-use trail will be built between Lake Avenue and the historic Charlotte-Genesee Lighthouse; a scenic overlook of the Genesee River and Lake Ontario will be included. The project requires the acquisition of property or an access easement and the completion of site specific archaeological investigation in accordance with New York's State Environmental Quality Review Act (SEQR).

McCord Snyder Landscape Architecture, PLLC was selected to provide the related design, property acquisition and archaeological investigation services through a request for proposal process described in the attached summary.

Design of the trail and overlook will begin in fall 2013; it is anticipated that construction will begin in fall 2014 with scheduled completion spring 2015. The design of the project results in the creation/retention of the equivalent of 0.7 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-180

Ordinance No. 2013-328
(Int. No. 378)

Authorizing Agreements And Appropriating Funds For The Port Marina And Mixed Use Development Project

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

Section 1. The sum of \$1,450,000 is hereby appropriated from anticipated reimbursements from a Boater Infrastructure Grant (BIG) from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHS) to fund the Port Marina and Mixed Use Development Project.

Section 2. The sum of \$1,100,000 is hereby appropriated from anticipated reimbursements from the New York State Department of State (NYS-DOS) to fund a portion of the Marina construction.

Section 3. The sum of \$745,545 is hereby appropriated from anticipated reimbursements from the NYSDOS to fund a portion of the Marina construction.

Section 4. The sum of \$250,000 is hereby appropriated from anticipated reimbursements from the NYSDOS to fund a portion of the construction related to street improvements and a scenic overlook.

Section 5. The sum of \$885,000 is hereby appropriated from anticipated reimbursements from the NYSDOS to fund a portion of the construction of the promenade and related improvements.

Section 6. The sum of \$150,000 is hereby appropriated from anticipated reimbursements from the NYSDOS to fund a portion of the construction of the Lighthouse Trail and Overlook improvements.

Section 7. The sum of \$1,850,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates for resident project representation services for the Port Marina and Mixed Use Development Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$1,174,000 shall be funded from a bond ordinance adopted for the Project, \$145,000 shall be funded from the appropriation in Section 1, \$110,000 shall be funded from the appropriation in Section 2, \$74,600 shall be funded from the appropriation in Section 3, \$25,000 shall be funded from the appropriation in Section 4, \$88,500 shall be funded from the appropriation in Section 5, \$30,000 shall be funded from a bond ordinance adopted for water purposes for the Project, \$95,700 shall be funded from New York State Multi-Modal Transportation Program funds and \$107,200 shall be funded from the Cash Capital allocation from prior years.

Section 8. 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 McCord Snyder Landscape Architecture, PLLC for design, property acquisition and archaeological investigation services for the Lighthouse Trail and Overlook improvements as part of the Port Marina and Mixed Use Development Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Lighthouse Trail and Overlook improvements. Of said amount, \$30,000 shall be funded from a bond ordinance adopted for the Project and \$30,000 shall be funded from the appropriation in Section 6.

Section 9. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-329
(Int. No. 379)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$8,420,000 Bonds Of Said City To Finance The Cost Of Construction Of The Port Marina 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 the Port Marina at the Port of Rochester as part of the Port Marina and Mixed Use Development Project, including the design and construc-

tion of a new marina basin and docks and wharves and boat launch, the relocation and construction of necessary utilities, the construction of accompanying streets, promenades, open space and utilities, planning and design services, and incidentals thereto, in the City (the "Project"). The total estimated current cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$19,600,000. The plan of financing includes the issuance of \$8,420,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,980,454 appropriated in grant funds from the State of New York Department of State, \$1,450,000 appropriated in New York State Boater Infrastructure Grant Funds, \$198,000 appropriated in grant funds from the New York State Environmental Facilities Corporation, \$957,000 appropriated in New York State Multi-Modal Transportation Program Funds and \$5,594,546 in current City funds, to finance said appropriation and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$8,420,000 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 \$8,420,000. 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.7 of the Law, is twenty (20) years.

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

bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed unanimously.

Ordinance No. 2013-330
(Int. No. 380)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$203,000 Bonds Of Said City To Finance The Cost Of The Construction Of The Lighthouse Trail And Overlook As Part Of The Port Marina And Mixed Use Development 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 the Lighthouse Trail and Overlook as part of the Port Marina and Mixed Use Development Project, including the design and construction of a multi-use trail between Lake Avenue and the historic Charlotte-Genesee Lighthouse and a scenic overlook of the Genesee River and Lake Ontario and design services, and incidentals thereto, (the "Project"). The currently estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$353,000. The plan of financing includes the issuance of \$203,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$150,000 in grant funds appropriated from the State of New York, 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 \$203,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$203,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 24 of the Law, is ten (10) years.

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

Section 6. Subject to the provisions of this

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

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

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

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

Passed unanimously.

Ordinance No. 2013-331
(Int. No. 381)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Various Water Mains In The City Related To The Port Marina And Mixed Use Development

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain water mains related to the Port Marina and Mixed Use Devel-

opment 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 \$400,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$400,000 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 \$400,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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. 2013-332,
Ordinance No. 2013-333 and
Ordinance No. 2013-334

Re: Midtown Redevelopment Project

Transmitted herewith for your approval is legislation related to ongoing work for the Midtown Redevelopment Project, and for Phase IV of the project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,966,000 and the appropriation of the proceeds thereof to partially finance the redevelopment costs.
2. Appropriate \$1,166,000 from the General Community Needs Objective, Midtown Redevelopment Open Space Allocation of 2010-11 Community Development Block Grant to partially finance the redevelopment costs.
3. Authorize the issuance of bonds totaling \$300,000 and the appropriation of the proceeds thereof to finance the cost of water improvements.

4. Appropriate \$182,331 in anticipated reimbursements from the Empire State Development Corporation (ESDC) to fund a portion of the Project.
5. Authorize amendatory agreements with LaBella Associates for additional resident project (RPR) required for Phase IV.

This amendment will increase compensation by \$100,000, and will be funded from the bonds appropriated herein. Below is a summary of related legislative actions:

<u>Ord. No.</u> <u>Purpose</u>	<u>Amount</u>
2012-155 Original: Phase I RPR	\$ 950,000
2012-469 Amendatory: Phase II RPR	1,150,000
2013-55 Amendatory: Phase III RPR	1,400,000
Proposed Amendatory: Phase IV RPR	<u>100,000</u>
Total	\$3,600,000

6. Authorize an amendatory agreement with LaBella Associates for additional design services as required for the ongoing work on the project. This amendment will increase maximum compensation by \$150,000, and will be funded from the bonds appropriated herein. Below is a summary of related legislative actions:

<u>Ord. No.</u> <u>Purpose</u>	<u>Amount</u>
2010-19 Original: Preliminary Design	\$ 935,000
2011-149 Final Design	2,100,000
2013-104 Tunnel, garage, and tower changes; eastside parking study	575,000
Proposed Tower certification; added bid phase (V)	<u>150,000</u>
Total	\$3,760,000

7. Amend Ord. No. 2013-254 to adjust the amounts from two sources of funding for the \$1,400,000 authorized for the amendatory agreement with Labella Associates for Phase III RPR services. The Rochester Pure Waters District (RPWD) has determined that a lesser amount is eligible for reimbursement. Other funding sources remain as specified in Ord. No. 2013-254.

<u>Source</u>	<u>Ord. 2013-254</u>	<u>Amend to</u>	<u>Change</u>
RPWD reimbursement	\$31,486	\$28,896	(\$2,590)
Bonds (as per Ord. 2013-53)	\$1,203,350	\$1,205,940	\$2,590

8. Amend Ordinance No. 2010-69 which appropriated the proceeds of the sale of the Hemlock/Canadice Watershed land to 2009-10

Cash Capital. This amendment will reallocate \$300,000 of the amount allocated for the Port of Rochester to the Midtown Redevelopment Project.

Ongoing Project Work

Design services/Added Phase V. The current design agreement with LaBella Associates provided for four phases of construction with a corresponding number of public works contracts bid. However, in order to coordinate the completion of the public access to the garage with the April 2014 opening of the garage, a fifth phase will be added. Phase V will include the remaining open space redevelopment that is anticipated to be bid in late spring 2014.

The scope of the project has not changed from the original plan, nor is the creation of Phase V expected to alter the original cost estimates.

The amendatory agreement with LaBella Associates for design services will allow for ongoing design work required to coordinate the public improvements with the private redevelopment of the Midtown tower parcel. This work includes a certification related to asbestos-containing materials in the tower which will facilitate developers' ability to secure private financing for their project. The amendatory agreement will also cover services required for Phase V.

Holley Water System. The water bonds requested herein will fund modifications to the Holley water system which now serves the Midtown Garage and the surrounding development. The Holley system originally constructed as part of the original Midtown Plaza in the early 1960's is located under the floor slab of the lowest level of the Midtown Garage. That system is nearing the end of its useful life; it is proposed that it be replaced with a new Holley system hung from the ceiling of Level C of the garage.

Phase IV - Midtown Redevelopment Project

This phase involves the construction of a public building near the northeast corner Midtown Parking Garage (Atlas Street and Euclid Street). That building will contain: public restrooms, a security office to monitor the truck tunnel and parking garage, and public access (stairs and elevator) to the garage.

The apparent low bid submitted by Crane Hogan Structural Systems Inc. is \$1,172,000, which is 7% higher than the City Engineer's estimate. The cost for RPR is \$100,000, and \$80,000 is included for contingency, resulting in a total cost of \$1,352,000. The cost will be financed from the bonds appropriated herein.

The amendatory agreement with LaBella Associates will provide RPR and construction phase design services for the Phase IV improvements. The original agreement for Phase I RPR services included costs for the field office, web cam, and material testing for all subsequent phases of the project, with amendatory agreements planned for subsequent phases to ensure continuity of services

for the project.

Construction of Phase IV will begin fall 2013 and will be complete in spring of 2014. This project is estimated to result in the creation/retention of the equivalent of 14 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Councilmember Scott moved to discharge Int. No. 375 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2013-332
(Int. No. 375)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,966,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of The Midtown Redevelopment Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of the construction of the Midtown Redevelopment Project, including the design and construction of a new northeast entrance building to the Midtown Parking Garage, reconstruction of the Midtown Service Tunnel, the construction of streets, open space and utilities, planning and design services, and incidentals thereto, in order to effectuate the Midtown Urban Renewal Plan, in the City (the "Project"). The currently estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$13,152,231. The plan of financing includes the issuance of \$1,966,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$5,151,000 bonds appropriated in Ordinance No. 2012-468, \$3,046,000 bonds appropriated in Ordinance No. 2012-154, \$340,900 from Federal funds appropriated in Section 3 of Ordinance No. 2011-64, \$1,300,000 in current City funds, \$1,166,000 appropriated in Community Development Block Grant funds and \$182,331 appropriated in Empire State Economic Development Corporation 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 \$1,966,000 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 \$1,966,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 41-a. of the Law, is fifty (50) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially com-

plied 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 Scott moved to discharge Int. No. 376 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2013-333
(Int. No. 376)

Establishing Maximum Compensation For Amendatory Professional Services Agreements For The Midtown Redevelopment Project, Appropriating Funds And Amending Ordinances No. 2010-69 And 2013-55

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates for resident project representation services for the Midtown Redevelopment Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for the construction of the Project.

Section 2. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with LaBella Associates, P.C. for 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. Said amount shall be funded from a bond ordinance adopted for the construction of the Project.

Section 3. The sum of \$1,166,000, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Objective, Midtown Redevelopment Open Space Account of the 2010-11 Community Development Block Grant

to fund the Midtown Redevelopment Project.

Section 4. 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 \$182,331, or so much as may be available, to fund the Midtown Redevelopment Project

Section 5. Section 4 of Ordinance No. 2010-69, relating to the sale of Hemlock/Canadice Watershed lands, is hereby amended by reallocating the sum of \$300,000 which was appropriated to the 2009-10 Cash Capital allocation from funding improvements at the Port of Rochester to funding improvements for the Midtown Redevelopment Project.

Section 6. Ordinance No. 2013-55, as amended by Ordinance No. 2013-254, relating to an amendatory professional services agreement with LaBella Associates, P.C. for resident project representation services for the Midtown Redevelopment Project, is hereby amended by decreasing the funding from anticipated reimbursements from the Rochester Pure Waters District appropriated in Section 2 of Ordinance No. 2013-104 from \$31,486 to \$28,896 and by increasing the funding from Bond Ordinance No. 2013-53 from \$1,203,350 to \$1,205,940.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Scott moved to discharge Int. No. 377 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

Ordinance No. 2013-334
(Int. No. 377)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Construction And Reconstruction Of Various Holley Water Mains In The City Related To The Midtown Redevelopment 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 and reconstruction of certain Holley water mains related to the Midtown Redevelopment 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 \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 bonds of the City to finance said appropriation, and

the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$300,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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.

By Councilmember McFadden
September 17, 2013

To the Council:

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

Int. No. 361 - Establishing Maximum Compensation For A Professional Services Agreement For Counseling And Stress Management Services

Int. No. 363 - Repealing Standardization Of The PODSS® Video Recording And Access Card System

Int. No. 364 - Authorizing An Agreement For Homeless Pets Network Services

Int. No. 365 - Authorizing An Agreement For Youth Voice, One Vision

Int. No. 366 - Establishing Maximum Compensation For A Professional Services Agreement For The Rec P.L.U.S. Program

Int. No. 367 - Authorizing Agreements For Meals Programs

Int. No. 368 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 374 - Authorizing Extension Of An Agreement For Veterinary Services

The following entitled legislation is being held in Committee:

Int. No. 362 - Amending The 2013-14 Budget For Police Training

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-335
Re: Agreement - Counseling and Stress Management Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum annual compensation for an agreement with Strong Behavioral Health/COAP, a division of Strong Memorial Hospital, for the provision of counseling and critical incident stress services to the Rochester Fire Department employees and their family members. The term of the agreement will be for two years, with the option for one two-year renewal. The cost will be funded from the 2013-14 and subsequent Budgets of the Fire Department.

Strong Behavioral Health/COAP was selected through a request for proposal process described in the attached summary.

Strong Behavioral Health/COAP will provide a comprehensive package of employee assistance services to address individual, family, and work-life needs. These services include confidential assessment and short term treatment; consultation and training for supervisors and managers to identify and resolve job performance issues; and direct linkage to mental health and wellness resources on a 24/7 basis for crisis coverage.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-181

Ordinance No. 2013-335
(Int. No. 361)

Establishing Maximum Compensation For A Professional Services Agreement For Counseling And Stress Management Services

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a profes-

sional services agreement between the City and Strong Behavioral Health/COAP of the University of Rochester Medical Center, for counseling and stress management services for employees of the Rochester Fire Department, for a term of two years, with one two-year renewal option. Said amounts shall be funded from the 2013-14 and subsequent Budgets of the Rochester Fire Department, subject to approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-336
Re: Rescinding Ordinance Nos. 2008-75
And 2011-365 - Standardization of
PODSS Systems

Transmitted herewith for your approval is legislation rescinding Ordinance No. 2008-75 and Ordinance No. 2011-365 which authorized the standardization of the PODSS System and the PODSS Video Recording and Access Card System, respectively.

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 Synergist key-card security access system and has developed into the Genetec Omnicast system. This system has the capability of supporting video and access systems in several other City facilities, including City Hall, libraries, the Port, and other Police facilities.

There is no longer a legal basis for this standardization as other companies are able to provide equipment that is compatible with the Genetec Omnicast system, and it is in the City's best interest to utilize a competitive process to select a qualified vendor.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-336
(Int. No. 363)

Repealing 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, by Ordinance No. 2011-365 the Council approved the standardization in all purchases 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.

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

Section 1. Based on information submitted by the Mayor and Rochester Police Department, the video network support system has developed into the Genetec Omnicast platform that supports cameras and the Synergist key-card access systems. The Genetec Omnicast platform is capable of supporting a variety of camera systems and the Synergist access card systems. A variety of video and Synergist products exist that are compliant with the Genetec Omnicast platform.

Section 2. There is no longer a legal basis for the standardization established by Ordinances No. 2008-75 and 2011-365 as other companies are able to provide compatible equipment. Ordinances No. 2008-75 and 2011-365 are hereby repealed.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-337
Re: Agreement - Best Friends Animal Society, No More Homeless Pets Network

Transmitted herewith for your approval is legislation authorizing an agreement with Best Friends Animal Society, to become a partner in their No More Homeless Pets Network. There is no cost to the City for participation in the network.

Best Friends Animal Society is a nonprofit corporation whose mission is to end unnecessary euthanizing of dogs and cats in shelters, with a goal of having "No More Homeless Pets (NMHP)". The organization operates the nation's largest sanctuary for homeless animals; provides adoption, spay/neuter, and educational programs; manages the Best Friends Animal Society Pet Adoption and Spay/Neuter Center in Los Angeles; and publishes *Best Friends* magazine. The Best Friends' NMHP Network brings animal shelters and rescue groups together from across the country to hold mutual adoption events, public education campaigns, and fundraising drives.

Network membership includes the following:

- Opportunity to participate in network partner-only national fundraising/adoption events organized and promoted by Best Friends.
- Access to regional NMHP partners for information, networking, and funding resources.
- Opportunity to apply for grant support (for organizations with significant, measurable

decrease euthanasia rates and increased adoptions).

- Access to free webinars presented by Best Friends staff and experts from around the country.
- Discounted registration rates for annual No More Homeless Pets conference.
- Scholarships or discounts for Best Friends workshops.
- Listing on the NMHP Network website with a link to the City's Animal Services web pages.

The term of this agreement will be ongoing based on the mutual agreement of both parties.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-337
(Int. No. 364)

Authorizing An Agreement For Homeless Pets Network 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 Best Friends Animal Society to become a Network Partner in the No More Homeless Pets Network.

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. 2013-338
Re: Agreement - Rochester Area Community Foundation, Youth Voice, One Vision

Transmitted herewith for your approval is legislation authorizing an agreement with The Rochester Area Community Foundation for the receipt and use of a \$23,000 grant to support the Youth Voice, One Vision youth leadership program. The grant was anticipated and included in the 2013-14 Budget of the Department of Recreation and Youth Services.

The grant will be used to support Youth Voice, One Vision activities, including:

- Professional development for recreation staff.
- Food, DJ services, supplies, transportation,

and event space permit fees for program projects and special events.

- Technical assistance and training for youth members and adult advisors regarding best practices for youth leadership and service-learning programs and activities facilitated by the Nazareth College Community Youth Development program.

Youth Voice, One Vision is a youth leadership and youth development program administered by the City of Rochester Bureau of Recreation since 1996. The program currently has 12 youth officers, an average of 50 active youth members participating at each council meeting, and an average of 75 - 150 youth attending each city-wide special events and service learning projects. The participants range in age from 8 to 18, with the majority between 10 and 15.

YVOV participants develop their own goals and strategies, conduct meetings, nominate officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, workshops, conferences and special events. YVOV members act as presenters and "youth experts" at local forums and events.

The Community Foundation has offered grant funds to support a variety of Youth Voice, One Vision projects since 2007, with receipt and use of grant funds most recently authorized via Ordinance No. 2012-347.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-182

Ordinance No. 2013-338
(Int. No. 365)

Authorizing An Agreement For Youth Voice, One Vision

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for Youth Voice, One Vision.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-339
Re: Agreement: Coordinated Care Services, Inc., Rec P.L.U.S. Program

Transmitted herewith for your approval is legislation establishing \$70,400 as maximum compensation for an agreement with Coordinated Care Services, Inc. to provide services for the Rec P.L.U.S. (Playing and Learning Under Supervision) structured afterschool program at the Edgerton Community Center. The cost of this agreement will be funded from 2013-14 Department of Recreation and Youth Services budget.

The Rec P.L.U.S. program is a comprehensive and strategic approach to youth development through the promotion of academic achievement and supervised recreation. Following the termination of New York State funding for the Rochester After School Academy (RASA) program at the Edgerton Community Center site, the City developed the Rec P.L.U.S. program to offer similar programming in its place. This afterschool program will provide academic assistance and social enrichment activities to 100 youth, ages 10 to 17, throughout the 2013-14 academic year.

This project is offered in partnership with the Rochester City School District (RCSD), which will assist in project initiatives to develop and implement program growth strategies. RCSD will also provide bus transportation for youth participants from schools to program sites.

This is a one-year project. A project information sheet is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-183

Ordinance No. 2013-339
(Int. No. 366)

Establishing Maximum Compensation For A Professional Services Agreement For The Rec P.L.U.S. Program

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

Section 1. The sum of \$70,400, 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 Coordinated Care Services, Inc. for services for the Rec Playing and Learning under Supervision (P.L.U.S.) structured afterschool program at the Edgerton Community Center. Said amount shall be funded from the 2013-14 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. 2013-340
Re: National League of Cities Grant -
Expansion of Summer and Afterschool
Meals Programs

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the National
League of Cities (NLC) for the receipt and use of a
grant in the amount of \$44,000; and establishing
maximum compensation for agreements as follows
for the provision of related services:

<u>Agency</u>	<u>Amount</u>
Finger Lakes Health Systems	
Agency (FLHSA)	\$20,000
Foodlink	<u>24,000</u>
Total	<u>\$44,000</u>

This grant from NLC will support a coordinated
effort to increase the number of children participat-
ing in summer and afterschool programs providing
healthy meals. It does not fund the meals, which
are reimbursable under direct federal programs
such as the Summer Food Service Program. The
NLC requires that funds be awarded to a municipa-
lity in concert with a team of community organi-
zations. FLHSA and Foodlink were members of
the grant application team identified to receive the
funds.

The goals for the use of these funds are to increase:

- Participation in the Summer Food Service Program by 20% in 2014 (compared to 2013).
- Community awareness of the Summer Food Service Program.
- The number of summer meal sites in under-served neighborhoods.
- Foodlink’s provision of afterschool meals by 100% in school year 2013-14 over 2012-13, adding approximately 3,000 meals and snacks per day.

The funding to FLHSA will provide most of the
outreach and coordination. The funding to Food-
link will primarily fund small equipment, resulting
in increased capacity to provide meals. A budget
narrative is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-184

Ordinance No. 2013-340
(Int. No. 367)

Authorizing Agreements For Meals Programs

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

Section 1. The Mayor is hereby authorized to
enter into an agreement with the National League
of Cities for funding to increase participation in
Summer and Afterschool Meals Programs.

Section 2. The Mayor is hereby authorized to
enter into an agreement with the Finger Lakes
Health Systems Agency for outreach and coordina-
tion services to increase participation in Summer
and Afterschool Meals Programs. The agreement
shall obligate the City to pay an amount not to
exceed \$20,000, and said amount, or so much there-
of as may be necessary, is hereby appropriated
from funds to be received under the grant agree-
ment authorized in Section 1.

Section 3. The Mayor is hereby further autho-
rized to enter into an agreement with Foodlink to
increase capacity to provide meals in Summer and
Afterschool Meals Programs. The agreement shall
obligate the City to pay an amount not to exceed
\$24,000, and said amount, or so much thereof as
may be necessary, is hereby appropriated from
funds to be received under the grant agreement
authorized in Section 1.

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

Section 5. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-341
Re: Agreement - Rochester Ice Hockey
Officials

Transmitted herewith for your approval is legisla-
tion establishing \$13,000 as maximum compensa-
tion for an agreement with Rochester Ice Hockey
Officials, Inc. (Nick Tochelli, President), Pittsford,
NY, to provide referees for adult men’s and wom-
en’s hockey leagues at Genesee Valley Park Sports
Arena from October 14, 2013 to March 21, 2014.

The cost of this agreement will be funded from the
2013-14 Budget of the Department of Recreation
and Youth Services. The leagues are fee-based,
and revenue covers all associated costs.

Rochester Ice Hockey Officials, Inc. has provided
referees for the leagues since 1993 and also pro-
vides all equipment, materials, and supplies re-
quired to perform their services. RIHO is one of
only two local hockey officiating organizations that
are insured; the other operates exclusively in scho-
lastic leagues.

The most recent annual agreement was authorized
by City Council in September, 2012.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-185

Ordinance No. 2013-342
(Int. No. 374)

Ordinance No. 2013-341
(Int. No. 368)

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 2013-14 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. 2013-342
Re: Amendatory Agreement - Stone Ridge Veterinary Hospital

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe Veterinary Associates, D/B/A Stone Ridge Veterinary Hospital, to extend the term for one year, with the option of renewing for one additional year.

The original agreement for veterinary services for the K-9 unit of the Rochester Police Department was authorized via Ordinance No. 2012-346. Annual maximum compensation will remain at \$15,000 and will be funded from the 2013-14 Budget of the Police Department.

Stone Ridge Veterinary Hospital was selected to provide these services through a request for proposal process in 2012. They have satisfactorily provided veterinary services to the K-9 unit for over fifteen years.

Stone Ridge Veterinary Hospital will continue to provide immunizations and tests, medical care as needed, and examination of new police dogs before they are accepted by the Police Department for duty.

The term of this contract will be September 1, 2013 through August 31, 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Authorizing Extension Of An Agreement For Veterinary Services

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

Section 1. The Council hereby approves the addition of two one-year extensions, in amounts not to exceed \$15,000 annually, retroactive to August 31, 2013, to the professional services agreement between the City and Stone Ridge Veterinary Hospital for veterinary services for the K-9 Unit of the Police Department. Said amounts shall be funded from the 2013-14 and 2014-15 Budgets of the Rochester Police Department, contingent upon adoption of the latter Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 362 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-343
Re: New York State Division of Homeland Security and Emergency Services Grant

Transmitted herewith for your approval is legislation appropriating \$7,500 of a grant received from the New York State Division of Homeland Security and Emergency Services and amending the 2013-14 Budget of the Police Department to reflect this amount.

Ordinance No. 2013-266 authorized the receipt of the 2011-12 Explosive Detection Canine grant in the amount of \$15,000. To improve the team's capabilities, members of the Police Department's Explosive Detection Canine Team will be attending three FEMA sanctioned trainings. The funds appropriated herein will be used for the cost of overtime for officers who will be covering for the members attending the training.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-343
(Int. No. 362)

Amending The 2013-14 Budget For Police Training

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

Section 1. Ordinance No. 2013-160, the 2013-14 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 \$7,500, which amount is hereby appropriated from 2011-12 Explosive Detection Canine grant funds from the New York State Division of Homeland Security and Emergency Services to fund canine team training.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:07 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
OCTOBER 15, 2013

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

Absent - None - 0.

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

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

Recognition Ceremony

Retirement:

Neighborhood & Business Development

J. Roberto Burgos

Police Department

Paul B. Dugan

*Graham P. Hyland

*Bridget R. Overton

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of September 17, 2013 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 4124-13

Quarterly Reports 4125-13
Delinquent Receivables
Loans and Grants

The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. Nos. 398 and 399, and Councilmember Scott on Int. Nos. 398 and 399.

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 Renaming Manhattan Square Park As The Dr. Martin Luther King, Jr. Memorial Park Int. No. 386 No speakers.

Changing The Zoning Classification Of 1733 Norton Street From R-1 Low Density Residential To C-1 Neighborhood Center Int. No. 387 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
October 15, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 382 - Cancellation Of Taxes And Charges And Amending Ordinance No. 2013-305

Int. No. 383 - Establishing Maximum Compensation For An Agreement For The 2014 Rochester Flower City Challenge

Int. No. 384 - Establishing Maximum Compensation For An Agreement For The 2014 Rochester SummerFest

Int. No. 385 - Establishing Maximum Compensation For An Agreement For The 2014 Xerox Rochester International Jazz Festival

Int. No. 401 - Amending The Municipal Code With Respect To Parking Fines

Int. No. 402 - Amending The 2013-14 Budget For The Mayoral Transition

Respectfully submitted,
Carla M. Palumbo
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. No. 382)
Dana K. Miller (Did not vote on Int. No. 382)
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

2014 814

Grand Total \$1,612

Ordinance No. 2013-344
Re: Cancellation or Refund of Erroneous
Taxes and Charges, and Amending
Ordinance No. 2013-305

Transmitted herewith for your approval is legisla-
tion related to the cancellation or refund of taxes
and charges. This legislation will:

1. Approve new cancellations or refunds of taxes and charges totaling \$1,612. The property located at 17 Sibley Place was undergoing rehabilitation for several years. The assessment records were updated to reflect the proposed use and, in doing such, the refuse code was added in error.

If this cancellation is approved, the total cancellations thus far for 2013-14 will be as follows:

	<u>Accounts</u>	<u>Amount</u>
City Council	14	\$35,640.00
Administrative	55	18,761.12
Total	69	\$54,401.12

These cancellations represent 0.023% of the taxes receivable as of July 1, 2013.

2. Amend Ordinance No. 2013-305 which authorized the cancellation or refund of taxes in September 2013. This amendment will correct the tax year from 2013 to 2014 for the nine properties listed in Section 1 (A). This amendment will also correct the address of the property listed as S.B.L. number 91.71-3-22 from 62 St. Paul Street to 29 Van Stallen Street.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-344
(Int. No. 382)

Cancellation Of Taxes And Charges And Amending Ordinance No. 2013-305

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 17 Sibley Place was undergoing rehabilitation for several years. The assessment records were updated to reflect the proposed use and in doing such, the refuse code was added in error.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax</u>	<u>Amount</u>
			<u>Year</u>	<u>Cancelled</u>
121.34-1-7	H	17 Sibley Place		
		2013		\$ 798

Section 2. If full or partial payment of the afore-
said 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. Ordinance No. 2013-305, relating to
the cancellation of taxes and charges, is hereby
amended by changing the tax year for each account
in Section 1A from 2013 to 2014, and by changing
the address for the final account in Section 1A from
62 St. Paul Street to 29 Van Stallen Street.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-345
Re: Agreement - YellowJacket Racing,
LLC, Rochester Flower City Challenge

Transmitted herewith for your approval is legisla-
tion establishing \$40,000 as maximum compensa-
tion for an agreement with YellowJacket Racing,
LLC (Principals: David Boutillier and Ellen Bren-
ner) for production of a half marathon running
event and other sports events to be held in April
2014. The cost of this agreement will be financed
from the 2013-14 Budget of the Bureau of Com-
munications.

City funds will be used to defray costs of public
safety services and equipment rental. YellowJacket
pays for all City support, which totaled \$36,000 in
2013.

This will be the fifth year of the event and will
include the Rochester River Challenge Duath-
lon/Paddle Triathlon on Saturday April 26, and
the Rochester Flower City Half Marathon and a
family 5K run on Sunday April 27. The Duathlon
is a 5K run, followed by a 20-mile bicycle race, and
finishing with a second 5K run. The Paddle Triath-
lon 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. The 2013 Duathlon
and Triathlon totaled 613 finishers, a 14% growth
in finishers over the 2012 event.

The Half Marathon and Family 5K run will be
based at the Blue Cross Arena with the course
showcasing the city's historic neighborhoods, river
and canal systems. 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 600-mile radius area. The 2013
Half Marathon grew 5% with more than 2,650
registrants. The 5K participation grew 9% over
2012 with more than 1,330 registrants.

YellowJacket Racing will provide free training workshops and programs. They will also host the "Spirit Contest" which provides a donation to the "most enthusiastic" neighborhood associations along the course. In 2013, a combined \$1,300 was donated to the Highland Park Neighborhood (1st Place) and Susan B. Anthony Neighborhood (2nd Place). The event will also include free stage performances and is free to spectators. More than 2,000 spectators lined the course.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-186

Ordinance No. 2013-345
(Int. No. 383)

Establishing Maximum Compensation For An Agreement For The 2014 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 2014 Rochester Flower City Challenge. Said amount shall be funded from the 2013-14 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-346
Re: Agreement - Team E. Foundation, Inc., Rochester SummerFest

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensation for an agreement with Team E. Foundation, Inc. (principal: Eddie Hammonds III) for production of the 2014 Rochester SummerFest and for booking national and regional artists for the event. The cost of this agreement will be financed from the 2013-14 (\$150,000) and 2014-15 (\$25,000) Budgets of the Bureau of Communications, contingent upon approval of the latter.

The City will include in its investment public safety services, production services, and equipment rentals up to an amount not to exceed \$35,000. The 2013 cost of these services was \$30,300. Rochester SummerFest was funded at the same level in 2013 with total attendance of 6,300. No City revenue component is planned.

The 2014 Rochester SummerFest will be held July 10-13 and will consist of family activities including the \$25K National Basketball Tournament, two

concerts, a networking event, and a community picnic.

Team E. Foundation, Inc. will provide talent booking, site management, marketing, sponsorship solicitation, ticket sales, and administration for the concerts. One concert will target a younger demographic with ticket prices in the \$20-70 range, and take place at the Blue Cross Arena. The other will be a low-cost concert for a more mature audience, to take place at the Auditorium Theater. The estimated budget for these two concerts is \$325,000.

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 twelve years.

The City provided the same level of support for the 2013 SummerFest.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-187

Ordinance No. 2013-346
(Int. No. 384)

Establishing Maximum Compensation For An Agreement For The 2014 Rochester SummerFest

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 2014 Rochester SummerFest. Of said amount, \$150,000 shall be funded from the 2013-14 Budget of the Bureau of Communications, and \$25,000 shall be funded from the 2014-15 Budget of the Bureau of Communications, contingent upon adoption of said budget. City services provided in support of the SummerFest shall be in an amount not to exceed \$35,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-347
Re: Agreement - Xerox Rochester International Jazz Festival

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensa-

tion for an agreement with Rochester International Jazz Festival, LLC to designate the City of Rochester as the lead government sponsor of the 2014 Xerox Rochester International Jazz Festival. The cost of this agreement will be funded from the 2013-14 Budget of the Bureau of Communications.

The 2014 festival will be held June 20-28 and will include more than 300 shows at 19 venues. The City's contribution to the festival will underwrite a minimum of 25 free events in and near the East End Cultural District.

The City will include in its investment the cost for public safety services and equipment rental not to exceed \$68,000. Services include traffic control and pedestrian crossing for street closings, fire safety detail, and equipment rental such as barricades, flashers, signage, roll-offs, containers, and trash disposal. In 2013 the actual cost was \$65,643.

The XRIJF has quickly become one of the nation's most popular and respected music festivals. Founded in 2002, attendance has grown each year, attracting music lovers from around the U.S. and the world. In 2002, attendance for the festival was 15,000. In 2013, attendance was more than 195,000. The festival's growing recognition throughout the world further enhances Rochester's reputation as a major music destination. According to the Greater Rochester Visitors Association, economic impact exceeds \$12 million.

RIJF consistently delivers a multi-dimensional festival with something for everyone. From legendary performers and familiar favorites to rising stars and new discoveries, the festival navigates all genres of creative improvised music from all corners of the world.

The same level of support was provided for the Jazz Festival in 2013.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-188

Ordinance No. 2013-347
(Int. No. 385)

Establishing Maximum Compensation For An Agreement For The 2014 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 2014 Xerox Rochester International Jazz Festival. Said amount shall be funded from the 2013-14 Budget of the Bureau of Communications. City services provided in support of the Festival shall be in an amount not

to exceed \$68,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-348
Re: Parking Fine Amendment

Transmitted herewith for your approval is legislation amending Section 111-85 of the Municipal Code with respect to parking fines, to increase the fine for parking restrictions during snow operations from \$30 to \$35.

The parking fines for other violations were increased in Ordinance No. 2013-168, as amended by Ordinance No. 2013-268, but the snow operations fine was overlooked. This amendment will make the snow operations parking fine consistent with the fine for parking in restricted areas.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-348
(Int. No. 401)

Amending The Municipal Code With Respect To Parking Fines

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

Section 1. Section 111-85 of the Municipal Code, Fines and penalties for offenses and fees, as amended, is hereby further amended by amending subsection A(1)(c) to read in its entirety as follows:

(c) Parking restrictions during snow operations: \$35.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-349
Re: Budget Amendment - Mayoral
Transition Expenses

Transmitted herewith for Council approval is an amendment to the 2013-14 Budget transferring \$40,000 from Contingency to Undistributed for the purpose, if needed, of supporting expenses associated with the transition to a new Mayor.

During the previous Mayoral transition in 2005, the same amount of funding was identified for this purpose. This apportionment was used to fund a contract with the Rochester Business Alliance for

overall assistance during the transition process. By identifying these sources now, it will ensure that the government will experience a smooth and effective transition should one occur.

Respectfully Submitted,
Carolee A. Conklin
Finance Chair
Councilmember-at-Large

Ordinance No. 2013-349
(Int. No. 402)

Amending The 2013-14 Budget For The Mayoral Transition

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

Section 1. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$40,000 from the Contingency allocation to Undistributed Expense to fund expenses associated with the Mayoral transition.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
October 15, 2013

To the Council:

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

Int. No. 388 - Authorizing An Agreement For Lead Hazard Control Grant Program Services

Int. No. 390 - Authorizing The Sale Of Real Estate

Int. No. 403 - Authorizing The Sale Of 90 South Clinton Avenue, Retention Of Easements And Releasing Responsibilities

Int. No. 406 - Amending Ordinance No. 2013-238 Relating To A Loan Agreement For The Midtown Tower Redevelopment Project

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

Int. No. 386 - Amending The Official Map By Renaming Manhattan Square Park As The Dr. Martin Luther King, Jr. Memorial Park

Int. No. 387 - Changing The Zoning Classification Of 1733 Norton Street From R-1 Low Density Residential To C-1 Neighborhood Center

The following entitled legislation is being held in Committee:

Int. No. 389 - Authorizing The Acquisition Of 565 Culver Road

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-350
Re: Agreement - Environmental Education Associates

Transmitted herewith for your approval is legislation establishing \$6,475 as maximum compensation for an agreement with Environmental Education Associates (Buffalo, NY) for training services related to the Lead Hazard Control Grant Program. The cost of the agreement will be funded from the 2012 Lead Hazard Control Grant, which was appropriated via Ordinance No. 2012-288.

Ordinance No. 2012-288 also authorized \$83,375 as maximum compensation for an agreement with Environmental Education Associates, Inc. for training services. Under that agreement, which is now expired, 228 contractors and property owners received training at a cost of \$74,410.

A new agreement is needed to expend the remaining funds. Approximately 50 additional contractors/property owners will receive training. Environmental Education Associates was selected in 2012 through a request for proposal process.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-350
(Int. No. 388)

Authorizing An Agreement For Lead Hazard Control Grant Program 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 Environmental Education Associates, Inc. for the continuation of lead hazard training services for the Lead Hazard Control Grant Program, in an amount not to exceed the unspent funds of \$6,475 authorized and appropriated for said purpose in Ordinance No. 2012-288.

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. 2013-351
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 15 properties. City records have been audited to ensure that, with the exception of those buying unbuildable vacant land, purchasers:

- Do not own other properties with code violations or delinquent taxes, and
- During the past five years have not been in contempt of court or fined as a result of an appearance ticket issued by the Bureau of Inspection and Compliance Services.

The first two properties are buildable vacant lots, both of which will be sold to their adjacent owners and combined with their current parcels.

The next 13 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 15 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,441.

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. AM-189

Ordinance No. 2013-351
(Int. No. 390)

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>
913 Joseph Av	091.79-2-23	38x99	3,898	\$400	Emmanuel Methodist Episcopal Church*
29 Wabash St	106.52-2-28	40x110	4,400	\$425	Derrick Isidore

*Council Members: Elisia Blades, Marta Rosa, Angel Mandez, Ruth Rosa, Aida Camineros, Ada Familia, Ana Mejias, Alsalia Medina, Julio Rodriquez

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
15 Aebersold St	106.34-1-44.3	46x71	3,261	Darryl A. Jackson, Sr.
272 Campbell St	120.26-1-51	40x99	3,969	Bernard & Felicia Perry
53 Centennial St	120.25-3-20	40x90	3,600	Louis A. Agosto
EH of 94 Champlain St	EH of 121.53-1-35	19x112	2,193	Larry Williams
WH of 94 Champlain St	WH of 121.53-1-35	19x112	2,193	Nolia M. Brooks
16 Delano St	120.34-1-36	25x70	1,750	Deatrice Pardner
242 Lyndhurst St	106.73-2-23.1	16x130	2,128	Ernest Kennedy
732 Maple St	120.25-2-35	47x95	4,329	Bride Martin
7 Maria St	106.32-4-49	55x87	1,871	Austin Snead

9 Maria St	106.32-4-48	33x108	2,948	Austin Snead
66 Mead St	106.31-1-15.1	19x78	1,487	Debra Howard
70 Mead St	106.31-1-14	38x78	2,973	Debra Howard
496 Upper Falls Blvd	106.40-1-26.1	37x86	3,182	Dana Helms

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to amend Int. No. 403.

The motion was seconded by Councilmember Scott.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-352
Re: Sale of 90 S. Clinton Avenue
"Pavilion"

Transmitted herewith for your approval is legislation related to the sale of 90 South Clinton Avenue. The property, known as the Pavilion, is .4 acre and improved with a three-level structure providing pedestrian linkage to the Bausch & Lomb Building, Midtown Garage, and Xerox Tower. This legislation will:

1. Authorize the sale of the property to Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) for \$50,000.
2. Amend Ord. No. 93-332 to terminate Bausch & Lomb's responsibility for maintenance and repair of the tunnel below S. Clinton Avenue, which connects the Pavilion to its surrounding open space.
3. Authorize a license agreement with Midtown Tower LLC for their use of the S. Clinton Avenue tunnel and the equipment room, which is located in the Midtown Garage and houses the mechanical systems for the Pavilion.

Ord. No. 93-332 authorized an agreement with the County of Monroe Industrial Development Agency and Bausch & Lomb Inc. which allowed for City construction of a pedestrian connection which includes underground tunnels linking the Court Street garage to Bausch and Lomb Tower, and extending eastward beneath S. Clinton Avenue to the Pavilion and the Midtown Garage. The Pavilion contains a stairway, elevator, and escalators that provide below-grade connections to the Midtown Garage and to the tunnel under S. Clinton Avenue. A second-level walkway links the Pavilion to the pedestrian bridge leading to the Xerox Tower. Under the agreement, Bausch & Lomb Inc. was responsible for all maintenance and repair expenses of the Pavilion and the Plaza.

Recent changes in ownership of the Bausch & Lomb Company and the Xerox Tower, along with the redevelopment of Midtown, have resulted in a re-evaluation of the optimal use of the property.

Midtown Tower LLC wishes to purchase the Pavilion to be used in conjunction with their redevelopment of the Xerox Tower. The City will retain easements to provide for maintenance of the garage facilities, vehicular access to the garage ramps on the property, and pedestrian access allowing the public to enter the Midtown Garage through the Pavilion. The purchaser will not be required to maintain ingress and egress to the Bausch & Lomb Building through the Pavilion.

Due to the significant operating costs associated with maintaining the escalators, the City has agreed to the purchaser's removal of the escalators, provided that the elevator and stairways are maintained in working order. The City will maintain the driveway for vehicular access to the Midtown Garage entrance that extends southward onto the property from Broad Street.

The fair market value of the property was established at \$200,000 by an independent appraisal prepared by Jay Loson, MAI, on June 28, 2013. That price has been reduced by a sales concession of \$150,000, the estimated cost for removal of the escalators, as determined by LaBella Associates, P.C. The sale price may be further reduced by the cost to repair recently discovered roof damage and consequent water damage to the elevators.

Respectfully submitted,

Thomas S. Richards
Mayor

Attachment No. AM-190

Ordinance No. 2013-352
(Int. No. 403, As Amended)

Authorizing The Sale Of 90 South Clinton Avenue, Retention Of Easements And Releasing Responsibilities

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

Section 1. The Council hereby approves the sale of 90 South Clinton Avenue, SBL No. 121.32-2-1, which contains approximately .4 acre and is improved with a three-level structure known as the Pavilion which was constructed as part of a pedestrian linkage between the Bausch & Lomb Building, the Midtown Parking Garage and Xerox Tower, to Midtown Tower LLC for the sum of \$200,000. Due to the significant operating costs associated with maintaining the escalators in the Pavilion, the Council agrees to the removal of the escalators by Midtown Tower LLC. Midtown Tower LLC may receive a credit of \$150,000 against the purchase price for the cost of the removal, provided that Midtown Tower LLC agrees to maintain the elevator and stairways in working order. ~~The Director of Real Estate~~ Mayor may approve a further reduction in the purchase price for the cost to repair recently discovered roof damage and consequent water damage to the elevators.

Section 2. The Council further approves the release of the responsibility of Bausch & Lomb Inc. provided in Ordinance No. 1993-332 for maintenance and repair of the underground tunnel beneath South Clinton Avenue, the Pavilion and its surrounding landscaped open space.

Section 3. The City shall retain easements to provide for maintenance of the Midtown Parking Garage facilities, vehicular access to the Garage ramps on the property, and pedestrian access allowing the public to enter the Midtown Parking Garage through the Pavilion. Midtown Tower LLC shall not be required to maintain ingress and egress to the Bausch & Lomb Building through the Pavilion. A license agreement shall also be conveyed to Midtown Tower LLC for use of the South Clinton Avenue tunnel and the equipment room, located in the Midtown Parking Garage, which houses the mechanical systems for the Pavilion. The City shall maintain the driveway for vehicular access to the Midtown Parking Garage entrance that extends southward onto the property from Broad Street.

Section 4. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-353
Re: Amending Ordinance No. 2013-238 -
Loan Agreement, Midtown Tower
Redevelopment Project

Transmitted herewith for your approval is legislation amending Section 4 of Ordinance No. 2013-238 which authorized a loan agreement with Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer), and/or entities to be formed by each of them, respectively (the "Developer") for the Midtown Tower Redevelopment Project. This legislation will:

1. Increase the amount of the loan by \$2 million to a total of \$5 million. The additional loan will be for both construction and permanent financing of the housing component of the project, and will be financed from the Housing Revolving Loan Fund.
2. Require interest-only (1%) payments during the two-year construction phase.
3. Increase the term of the permanent loan from eight to eleven years at an interest rate of one percent (1%). Principal payments will be as follows: Year 1: \$200,000, Year 2: \$300,000, Years 3-11: \$500,000 per year. The other terms of the loan remain as originally authorized.

As originally planned, the project includes construction of approximately 160,000 square feet of gross commercial space and 179 residential rental units. Of the latter, at least 15% will be affordable for a term of twenty years to households with income under 120% of the Median Family Income, with half of those units rented to households with income under 80% MFI. Revised elevations are attached.

Updated cost and financial projections based on 90% construction documents demonstrate that the project cost has increased from \$54,510,397 as originally projected, to \$59,014,714. The funding gap of \$4,504,317 will be filled by an increase in the City loan and in developer equity and bank financing.

The additional costs are due to the scale, complexity, and unique nature of the re-use of the Tower. An additional \$1.5 million is attributable to rebuilding the preserved portions of the former Midtown Plaza (the steel structure and concrete decking of the Tower, and a portion of the Plaza); the remaining \$3,004,317 results from additional site work needed and higher than anticipated costs of heating and mechanical systems.

The revised sources and uses of funds for the proposed Midtown Tower project are as follows:

<u>Sources</u>	
Bank loan - residential	\$23,351,803
Bank loan - commercial	14,262,283

ESDC Grant	5,200,000
City of Rochester Revolving Loan	5,000,000
City of Rochester Cash Capital Loan	2,700,000
City of Rochester CDBG Loan	1,000,000
Equity	7,000,628
RG&E	500,000
Total	<u>\$59,014,714</u>

Uses	
Acquisition	\$ 2
Construction	53,014,554
Soft costs	3,918,658
Construction interest	<u>2,081,500</u>
Total	<u>\$59,014,714</u>

To complement the Midtown Tower project, the Developer wishes to purchase the City-owned Pavilion located at 90 South Clinton Avenue. A request for City Council authorization of that sale is submitted in separate legislation this month.

The Developer has committed to the following business enterprise and workforce goals for the project:

- 20% of total dollar amount of contracts will go to Minority, Women, Disadvantaged and/or Small Business Enterprises
- 20% of the workforce hired will be minority persons
- 6.9% of the workforce hired will be women

Construction is anticipated to start in fall of 2013 and be complete by fall of 2015. The project will create 300 construction jobs and at least 29 new permanent jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-191

Ordinance No. 2013-353
(Int. No. 406)

Amending Ordinance No. 2013-238 Relating To A Loan Agreement For The Midtown Tower Redevelopment Project

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

Section 1. Section 4 of Ordinance No. 2013-238, authorizing a loan agreement for the Midtown Tower Redevelopment Project, is hereby amended to conform to the terms set forth herein. The amount of the loan authorized in with Midtown Tower LLC (controlling members: Robert C. Morgan and Laurence C. Glazer) and/or entities controlled by each of them, respectively, is increased from \$3,000,000 to \$5,000,000, which shall be used to finance the construction of affordable housing units as a part of the Midtown Tower Redevelopment Project. The additional amount of

\$2,000,000, or so much thereof as may be necessary, is hereby appropriated from the Housing Revolving Loan Fund. The loan shall be for both construction and permanent financing. During construction, there shall be annual interest-only payments of 1%. The term of the permanent loan shall be 11 years, with annual interest payments of 1%. Principal payments shall be \$200,000 in year 1, \$300,000 in year 2, and \$500,000 in years 3-11.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-354
Re: Official Map Amendment -
Renaming Manhattan Square
Park to Dr. Martin Luther
King, Jr. Memorial Park

Transmitted herewith for your approval is legislation amending the Official Map of the City of Rochester by renaming Manhattan Square Park to Dr. Martin Luther King, Jr. Memorial Park, in commemoration of the 50th Anniversary of the 1963 civil rights March on Washington, lead by Dr. King.

Manhattan Square Park, approximately 5 acres, was established in 1974. Located in the heart of the city, and used throughout the year for recreation and community-wide cultural events, it is the ideal place in Rochester to bear Dr. King's name and to honor his memory.

The Park has undergone a series of improvements and renovations in recent years, including the rehabilitation of the playground, the expansion of the skating rink and the renovation of the lodge building. In spring 2014, the restoration of the waterfall fountain will be complete, at which time the park will be officially dedicated as the Dr. Martin Luther King, Jr. Memorial Park.

The City Planning Commission held an informational meeting on this proposed renaming on September 16, 2013. One person spoke in support of the renaming; no one spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended approval. The minutes and recommendation from that meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing on the renaming is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-192

Ordinance No. 2013-354
(Int. No. 386)

**Amending The Official Map By Renaming
Manhattan Square Park As The Dr. Martin
Luther King, Jr. Memorial Park**

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

Section 1. Chapter 76 of the Municipal Code,
Official Map or Plan, as amended, is hereby further
amended by renaming Manhattan Square Park as
the Dr. Martin Luther King, Jr. Memorial Park.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-355
Re: Zoning Map Amendment, Re-Zoning
1733 Norton Street from R-1 to C-1

Transmitted herewith for your approval is legisla-
tion amending the Zoning Map of the City of
Rochester by rezoning 1733 Norton Street from R-
1 (Low Density Residential District) to C-1
(Neighborhood Center Commercial District). The
property owner, Mesut Vardar, is the applicant.

The parcel is occupied by two structures - a single-
story commercial building with six tenant spaces
(plaza), and an occupied single-family house which
fronts on Blakeslee Street. The commercial build-
ing, constructed in 1970, was zoned C-1 until 2003,
when it was rezoned to R-1 based on its proximity
to residential uses and a nearby church. It is now a
legal, conforming structure with legal, conforming
uses.

A new tenant proposes to open a sports bar and
restaurant in one of the spaces that was formerly
occupied by a restaurant. As such, the new opera-
tion is governed by the hours of the abandoned use,
and is required to close at 8:30 p.m. The tenant had
applied to the Zoning Board of Appeals (ZBA) in
August 2013 for a variance to extend hours to
11:00 p.m. In the same time period, the property
owner pursued the Zoning Map Amendment, which
would allow all of his tenants the right to be open
until 11:00 p.m., the permitted closing time in the
C-1 district. The ZBA decided that the Map
Amendment was a better overall solution and ad-
journd the variance request pending the outcome
of the Planning Commission hearing.

The City Planning Commission held an informa-
tional meeting on this proposed rezoning on Mon-
day, September 16, 2013. There were three speak-
ers in support of the rezoning and none in opposi-
tion. However, a petition organized by a compet-
ing bar was submitted prior to the hearing; it had
over 90 names in opposition to establishing a sports
bar at 1733 Norton Street. The Planning Commis-
sion determined that rezoning this commercial

plaza to C-1 was appropriate, and by a vote of 6-0-
0, recommended approval. The minutes and rec-
ommendation from the September hearing are
attached.

A public hearing is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-193

Ordinance No. 2013-355
(Int. No. 387)

**Changing The Zoning Classification Of 1733
Norton Street From R-1 Low Density Residen-
tial To C-1 Neighborhood Center**

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

Section 1. Chapter 120 of the Municipal Code,
Zoning Code, as amended, is hereby further
amended by changing the zoning classification of
the following parcel, constituting 1733 Norton
Street, from R-1 Low Density Residential to C-1
Neighborhood Center:

All that tract or parcel of land, situate in the City
of Rochester, County of Monroe, State of New
York, being part of Town Lot 48, Township 14,
Range 7 and being more particularly bounded
and described as follows: Beginning at the in-
tersection of the centerline of Norton Street (66'
ROW) and the northerly extension of the west
line of Lot 77 of the Schaeffer Terrace Subdivi-
sion, as filed in the Monroe County Clerk's Of-
fice in Liber 22 of Maps, Page 13, said intersec-
tion being the Point or Place of Beginning;
thence

- 1) Easterly, along said centerline of Norton
Street, a distance of 80.0 feet to the northerly
extension of the east line of Lot 76 of said
Schaeffer Terrace Subdivision; thence
- 2) Southerly, along said extension and the east
line of Lots 76 & 83 and their southerly ex-
tension, a distance of 258.0 feet to the cen-
terline of Blakeslee Street (50' ROW);
thence
- 3) Westerly, along said centerline of Blakeslee
Street, a distance of 80.0 feet to the southerly
extension of the west line of Lot 82 of the
Schaeffer Terrace Subdivision; thence
- 4) Northerly, along said extension and the west
line of Lots 82 & 77 and their northerly ex-
tension, a distance of 258.0 feet to the said
centerline of Norton Street, being the Point
or Place of Beginning.

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

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 389 from Committee.

The motion was seconded by Councilmember Conklin.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-356
Re: Real Estate Acquisition -
565 Culver Road

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of property located at 565 Culver Road. Harris Corporation, which currently owns the property, has allowed the City to use the parcel to temporarily store leaves for a 45 day period during the leaf collection season during 2011 and 2012 at no cost. The total cost of acquisition, including closing costs, will not exceed \$150,000 and will be funded from the Refuse (\$125,000) and Local Works (\$25,000) Funds.

The site is approximately 2.8 acres and, with the exception of a small parking area near the road frontage, is undeveloped.

The purchase price of \$135,000 was established through negotiation with the owner, and substantiated by an independent appraisal prepared by Midland Appraisal Associates on April 24, 2012 and updated in September 2013.

The City plans to use this site for leaf collection as well as for snow removal storage and staging. The City's Division of Environmental Quality has reviewed the site and supports the acquisition of this property.

All charges associated with this property as well as future City taxes, water and refuse will be cancelled upon the date of transfer.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-194

Ordinance No. 2013-356
(Int. No. 389)

Authorizing The Acquisition Of 565 Culver Road

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

Section 1. The Council hereby approves the acquisition of 565 Culver Road, SBL No. 122.22-1-36, from Harris Corporation, for an amount not to exceed \$135,000.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$150,000,

including acquisition and closing costs, and of said amount, or so much thereof as may be necessary, \$125,000 is hereby appropriated from the Refuse Fund Balance and \$25,000 is hereby appropriated from the Local Works Fund Balance.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Scott
October 15, 2013

To the Council:

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

Int. No. 391 - Amending Ordinance No. 2013-25 Relating To The Durand Eastman Beach Water Quality Improvements Project

Int. No. 392 - Establishing Maximum Compensation For Professional Services Agreements For The Residential Milling & Resurfacing Program

Int. No. 393 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,250,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The City-Owned Building At 40 Commercial Street Within The City

Int. No. 394 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Festival Site

Int. No. 395 - Appropriating Funds And Authorizing An Agreement For The Two Bridge Preventive Maintenance Project

Int. No. 396 - Appropriating Funds And Authorizing An Agreement For The Elmwood Avenue Bridge Preventive Maintenance Project

Int. No. 397 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$311,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The Elmwood Avenue Bridge Within The City

Int. No. 404 - Resolution Supporting A Project Labor Agreement For The Port Of Rochester Redevelopment Project

Int. No. 405 - Establishing Maximum Compensation For A Professional Services Agreement For The Port Of Rochester Redevelopment Project

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-357
Re: Amending Ordinance No. 2013-25 -
Agreement, Lu Engineers

Transmitted herewith for your approval is legisla-
tion amending Ordinance No. 2013-25 to correct
the source of funds for the cost of an agreement
authorized therein. The Ordinance established
\$75,000 as maximum compensation for an agree-
ment with Lu Engineers for resident project repre-
sentation (RPR) services for the Durand Eastman
Beach Water Quality Project.

The cost of the agreement was to be funded from
bonds appropriated via Ordinance No. 2013-26
(\$33,750) and from a US Environmental Protection
Agency grant appropriated via Ord. No. 2010-332
(\$41,250).

It has been determined that, under the terms of the
EPA grant, the RPR services agreement is not
eligible for federal funding. Instead the entire cost
of the agreement (\$75,000) will be funded from the
bonds appropriated via Ordinance No. 2013-26.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-357
(Int. No. 391)

**Amending Ordinance No. 2013-25 Relating
To The Durand Eastman Beach Water Quality
Improvements Project**

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

Section 1. Ordinance No. 2013-25, relating to
an agreement with Lu Engineers for resident
project representation services for the Durand
Eastman Beach Water Quality Improvements
Project, is hereby amended by changing the source
of funding so that the full amount of \$75,000 shall
be funded from Bond Ordinance No. 2013-26.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-358
Re: Residential Milling & Resurfacing
Program

Transmitted herewith for your approval is legisla-
tion establishing maximum compensation for
agreements for resident project representation
services (RPR) for the 2013-14 Residential Milling
& Resurfacing Program as follows:

<u>Firm</u>	<u>Purpose</u>	<u>Amount</u>
Lu Engineers	Phase 1 - Northeast Streets	\$180,000
Passero Associates	Phase 2 - Northwest Streets	\$250,000

The cost of these agreements will be financed from
bonds previously authorized for this purpose (Or-
dinance No. 2012-445) as part of the Capital
Project Acceleration Initiative.

The Asphalt Milling & Resurfacing, Residential
Streets Projects includes two separate construction
contracts. The Phase 1 project includes work on
various residential streets in the Northeast area of
the City; and Phase 2 includes residential streets in
the Northwest portion of the City. The projects
were designed by the City's Architectural and
Engineering Bureau. Work on both projects in-
cludes: milling and resurfacing, curb and sidewalk
repair, and pavement markings.

Lu Engineers and Passero Associates were selected
for RPR services through a Request for Proposal
process, which is described in the attached sum-
mary.

Construction on the Phase 1 Project will begin fall
2013 and will be complete early summer 2014.
Construction on the Phase 2 Project will begin
spring 2014 and will be complete late summer,
2014.

This project will result in the creation/retention of
the equivalent of 4.7 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-195

Ordinance No. 2013-358
(Int. No. 392)

**Establishing Maximum Compensation For
Professional Services Agreements For The Resi-
dential Milling & Resurfacing Program**

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

Section 1. The sum of \$180,000, or so much
thereof as may be necessary, is hereby established
as the compensation to be paid for a professional
services agreement between the City and Lu En-
gineers for resident project representation services for
the Residential Milling & Resurfacing Program.

The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2012-445.

Section 2. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for resident project representation services for the Residential Milling & Resurfacing Program. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from a Bond Ordinance No. 2012-445.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-359 and
Ordinance No. 2013-360
Re: High Falls Festival Site
Modifications - Phase I

Transmitted herewith for your approval is legislation related to the High Falls Festival Site Modifications - Phase I Project. This legislation will:

1. Authorize the issuance of \$1,250,000 in bonds and the appropriation of the proceeds therein for construction of and resident project representation (RPR) services for the Project.
2. Establish \$130,000 as maximum compensation for an agreement with LaBella Associates for RPR services. The cost of the agreement will be funded from the bonds appropriated herein.

Ordinance No. 2011-249 authorized an agreement with LaBella Associates to conduct a comprehensive engineering evaluation and analysis of the stability of the gorge wall below the Festival Site, and to provide alternatives, cost estimates, life-cycle analysis, and implementation strategies for the long-term use of the Site, including the terrace and corresponding buildings (40 Commercial Street). Based on their report, a two-phased remediation plan is proposed.

Phase I will address factors affecting the safety of the site. Phase II will consider broader site and building renovations focused on the strategic alteration and partial exposure of existing building systems to improve public space for historic interpretation of the site.

Ordinance No. 2012-391 authorized an amendatory agreement with Labella Associates for additional investigation, preliminary and detailed design, bid documents, and construction phase design services for Phase I.

Specifically, Phase I includes strategic structural modifications to the interior of 40 Commercial Street, removal of the terrace elevator, reconfiguration of the terrace with new safety railing, and park amenities (benches, planters, picnic tables and interpretive signage). The estimated cost of construction is \$1,250,000.

LaBella Associates was selected for RPR services based on their performance on prior work completed, knowledge of the site and its unique challenges and assets, and the strength and availability of the staff to meet an aggressive schedule.

It is anticipated that construction will begin in fall 2013 with scheduled completion in summer 2014. The project will result in the creation/retention of the equivalent of 13.6 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-196

Ordinance No. 2013-359
(Int. No. 393)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$1,250,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The City-Owned Building At 40 Commercial Street Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of the city-owned building at 40 Commercial Street, a Class A building, at the former High Falls Festival Site within the City, and incidental exterior modifications to the site ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,250,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,250,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein

authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12(a)(1) of the Law, is twenty-five (25) 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. 2013-360
(Int. No. 394)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Festival Site

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

Section 1. The sum of \$130,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for resident project representation services for the High Falls Festival Site Modifications. 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 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-361
Re: Two Bridge Preventive
Maintenance Project

Transmitted herewith for your approval is legislation related to the Two Bridge Preventive Maintenance Project. This legislation will:

1. Authorize the receipt and use of \$128,800 in additional anticipated reimbursements from the Federal Highway Administration (FHWA) to finance portions of the project.
2. Authorize an amendatory agreement with LaBella Associates for additional resident project representation (RPR) and construction phase design services. The original agreement (Ord. No. 2013-97) established \$45,000 as maximum compensation; this amendment will increase that amount by \$55,000 for a total of \$100,000. The additional cost will be financed from the FHWA reimbursements appropriated herein (\$44,000) and 2012-13

Cash Capital (\$11,000).

This project includes maintenance related repairs to the Court Street Bridge over the Genesee River and the East Main Street Bridge over the CSX Tracks. Project participation and design services were authorized via Ordinance No. 2012-255; construction funding and RPR Services were authorized via Ordinance No. 2013-97.

Bridge improvements include minor deck and pier repairs, painting, joint replacements, bearing replacements, and curb repairs. Recent bridge inspections indicate specific bridge elements have reached a point of deterioration where preventative maintenance activities are warranted to prolong the life of the structure. Bids for the construction contract were received on May 6, 2013, with the low bid of \$556,940 being awarded to Crane Hogan Structural Systems, Inc.

The cost of the project is \$747,000, with \$556,700 in previously secured Federal and State Aid. The additional \$128,800 in FHWA aid was recently awarded to fund a portion of the amendatory RPR agreement and construction costs previously funded with Cash Capital allocations. New York State Marchiselli Aid in the amount of \$24,150 is included in the City's 2013-14 State Transportation Improvement Program request; the appropriation of those funds will be requested when State approval is secured.

The amendatory agreement with LaBella Associates will provide additional services for work related to:

- Additional oversight and review related to CSXT work permit requirements.
- Additional inspection and close-out material required under Federal guidelines, including continuous on-site inspections rather than part time inspection as originally planned.
- Extended duration of project management as recommended by the NYSDOT.
- Additional coordination with stakeholders in and around Court Street.

Construction is underway with scheduled completion of late fall 2013. The amendatory agreement will result in the creation/retention of the equivalent of 0.6 full-time job.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-197

Ordinance No. 2013-361
(Int. No. 395)

Appropriating Funds And Authorizing An Agreement For The Two Bridge Preventive Maintenance Project

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

Section 1. The sum of \$128,800 is hereby appropriated from funds to be received from the Federal Highway Administration to fund the Two Bridge Preventive Maintenance Project.

Section 2. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for resident project representation and construction phase design services for the Two Bridge Preventive Maintenance Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$44,000 shall be funded from the funds appropriated in Section 1 and \$11,000 shall be funded from the 2012-13 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-362 and
Ordinance No. 2013-363
Re: Elmwood Avenue Bridge Preventive
Maintenance Project

Transmitted herewith for your approval is legislation related to the Elmwood Avenue Bridge over the Genesee River Preventive Maintenance Project. This legislation will:

1. Authorize the receipt and use of \$829,600 in anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal portion of construction, and resident project representation and project administration services.
2. Authorize the issuance of \$311,000 in bonds, and the appropriation of the proceeds therein, to finance a portion of project costs.
3. Establish \$185,000 as maximum compensation for an agreement with C&S Engineers, Inc., (Rochester 14614) for resident project representation (RPR) services. The sources of funding for the costs of the agreement are included in the table below.

This project provides for preventative maintenance repairs to the bridge and includes: full deck slab scarification, deck overlay systems, localized full depth deck repairs, localized curb replacement, expansion joint replacements, street lighting relocation, bridge washing, and scupper cleaning. Recent bridge inspections indicate specific bridge elements have reached a point of deterioration where preventative maintenance activities are warranted to prolong the life of the structure. The estimated cost of construction is \$1,203,000; sources and uses of

funds are summarized below.

Category	Construction		
	RPR	Contingency	Total
Federal			\$776,000
\$ 53,600	-		\$ 829,600
Local - City Bond			194,000
69,400	\$47,600		311,000
Prior Years' Cash Capital			-
60,000	400		60,400
2012-13 Cash Capital			-
2,000	-		2,000
Total			\$970,000
\$185,000	\$48,000		\$1,203,000

The City's 2014-15 New York State Transportation Improvement Program request includes \$155,000 in Marchiselli Aid for this project. Once this funding is secured, Council authorization will be sought for the appropriation of the funds to pay down or replace a portion of the bonds requested herein.

C&S Engineers Inc. was selected for RPR services through a Request for Proposal process, which is described in the attached summary.

It is anticipated that construction will begin in fall 2013 with scheduled completion in late fall 2014. The project will result in the creation/retention of the equivalent of 13.1 full-time jobs.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-198

Ordinance No. 2013-362
 (Int. No. 396)

Appropriating Funds And Authorizing An Agreement For The Elmwood Avenue Bridge Preventive Maintenance Project

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

Section 1. The sum of \$829,600 is hereby appropriated from funds to be received from the Federal Highway Administration to fund the Elmwood Avenue Bridge Preventive Maintenance Project.

Section 2. The sum of \$185,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and C&S Engineers, Inc. for resident project representation services for the Elmwood Avenue Bridge Preventive Maintenance Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$53,600 shall be funded from the appropriation in Section 1, \$69,400 shall be funded from a bond ordinance adopted for the Project, \$60,000 shall be funded from the Cash Capital allocation from prior years and \$2,000 shall be funded from the 2012-13 Cash Capital allocation.

Section 3. This ordinance shall take effect im-

mediately.

Passed unanimously.

Ordinance No. 2013-363
 (Int. No. 397)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$311,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The Elmwood Avenue Bridge Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of the Elmwood Avenue Bridge over the Genesee River 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 \$1,203,000. The plan of financing includes the issuance of \$311,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$829,600 in Federal Highway Administration funds and \$62,400 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$311,000 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 \$311,000. 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 prin-

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-15 and
Ordinance No. 2013-364
Re: Agreement - Rochester Research
Associates, Project Labor Agreement
Compliance Monitoring for Port of
Rochester Redevelopment Project

Transmitted herewith for your approval is legislation related to the Project Labor Agreement for the Port of Rochester Redevelopment Project. This legislation will:

- 1. Adopt a resolution to establish a Project Labor Agreement (PLA) for the implementation of the Port of Rochester Redevelopment Project ("Project").
- 2. Establish \$175,000 as maximum compensation for an agreement with Rochester Research Associates to provide compliance monitoring services related to the PLA implementation. The cost of the agreement will be funded from prior years' Cash Capital allocations.

Phase I of the Project includes construction of the marina basin and pedestrian promenade, all planned right-of-way improvements, installation and relocation of utilities as required, extension of the Genesee Riverway Trail to connect with Ontario Beach Park, reconstruction of the land-side facilities at the public boat launch, and renovations at the Terminal Building to accommodate boater facility improvements. The estimated total cost for construction of the Phase I improvements is \$20 million. Including a PLA for this project will result in estimated savings between \$400,000 and \$900,000, as reported by Seeler Engineering, P.C., a recognized expert on PLAs.

The PLA will be between the Rochester Building and Construction Trades Council, AFL-CIO, and signatory Local Unions. The Project was targeted for a PLA based on its scope, 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% woman participation and will apply to all trades on the project.

Other benefits associated with application of the PLA include: avoidance of delays and the resultant costs of potential strikes and other work disruptions; increased flexibility in scheduling work, shift hours and times; increased productivity; a reliable source of skilled and experienced labor; and maximum safety conditions for workers and the public.

The PLA terms will be included in the three contracts currently planned for the project: Contract 1 will include marina and site improvements; Contract 2 will be for the work on docks and appurtenances and the PLA will apply to the landside portion; and Contract 3 will include boater services building improvements.

Rochester Research Associates will provide inde-

pendent compliance monitoring for the Project Labor Agreement. They were selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-199

Resolution No. 2013-15
(Int. No. 404)

Resolution Supporting A Project Labor Agreement For The Port Of Rochester 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 Port of Rochester 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 Port of Rochester 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 construction of the marina basin and pedestrian promenade, all planned right-of-way improvements, installation and relocation of utilities as required, extension of the Genesee Riverway Trail to connect with Ontario Beach Park, reconstruction of the land-side facilities at the public boat launch, and renovations at the Terminal Building to accommodate boater facility improvements.
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 Port of Rochester Redevelopment Project shall be provided to the City Council.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2013-364
(Int. No. 405)

Establishing Maximum Compensation For A Professional Services Agreement For The Port Of Rochester Redevelopment Project

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

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Research Associates for compliance monitoring services for the Project Labor Agreement (PLA) for the Port of Rochester Redevelopment Project. The agreement may extend until six months after completion 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.

By Councilmember McFadden
October 15, 2013

To the Council:

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

Int. No. 398 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Police Department

Int. No. 399 - Establishing Maximum Compensation For An Agreement For Medical Director Services For The Fire Department

Int. No. 400 - Authorizing An Agreement For A State Homeland Security Program Grant

The following entitled legislation is being held in Committee:

Int. No. 407 - Amending The Municipal Code To Provide For The Establishment Of Drug Free Zones

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-365
Re: Agreement - University of Rochester,
Fitness for Duty Clinical Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum annual compensation for an agreement with the University of Rochester, Department of Psychiatry, for Dr. Robert L. Weisman, DO to provide clinical services related to psychological fitness for duty for the Rochester Police Department (RPD). The term of the agreement will be for one year, with the option of three one-year renewals. The annual cost of the agreement will be funded from the 2013-14 and subsequent annual Budgets of the Police Department, contingent upon their approval.

Dr. Weisman will provide Fitness for Duty evaluations for law enforcement officers who have experienced a duty-related injury or trauma, as well as non-duty-related mental health issues. Evaluations will include an assessment of the officer's psychological ability to return to work, a determination of work-related causality, and management of care for duty-related psychological conditions.

Dr. Weisman was one of two service providers

selected through a request for proposal process in August 2012. Under this new contract, Dr. Weisman will continue to provide this service through the agreement with the University of Rochester.

The University of Rochester has the unique resources and capabilities to effectively support Dr. Weisman in performing highly sensitive services on behalf of the RPD.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-365
(Int. No. 398)

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 \$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 the University of Rochester, Department of Psychiatry, for clinical services for fitness for duty evaluations for the Rochester Police Department for a term of one year, with options to renew for three additional terms of one year. Said amounts shall be funded from the 2013-14 and subsequent Budgets of the Rochester Police Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-366
Re: Agreement - URM, First Responder
Agency Medical Director

Transmitted herewith for your approval is legislation establishing annual maximum compensation for an agreement with the University of Rochester Medical Center for Jeremy Cushman, M.D., M.S., EMT-P, FACEP to act as the Agency Medical Director. The term of this agreement will be for two years, with an option for one two-year renewal. Compensation will be funded from the 2013-14 and subsequent annual Budgets of the Fire Department as follows (contingent upon their approval):

<u>Fiscal Year</u>	<u>Amount</u>
2013-14	\$21,600
2014-15	21,600
2015-16	23,500
2016-17	23,500
4-year total	\$90,200

The Rochester Fire Department (RFD) is the prima-

ry local first responder EMS agency, and is required by New York State to provide medical consultation services for the enhancement and maintenance of integrated, systematic preparedness for pre-hospital emergency medical care. As such, the City must contract with a physician with knowledge and experience in the delivery of emergency medical care to provide the following services:

- Direction and guidance of pre-hospital emergency medical provision and documentation procedures.
- Review EMS Patient Care Reports and other documentation necessary to monitor quality of care.
- Participate in RFD Quality Improvement and Quality Assurance programs.
- Provide technical expertise on the design and structure of emergency medical procedures in the field.
- Review EMS documentation of quality of care provided by RFD.
- Provide technical assistance in the development of medical guidelines for health and safety of RFD personnel.
- Participate in EMS certification training for RFD personnel.
- Advise RFD in the administration of the Ambulance contract on issues associated with patient care.
- Represent the interests of the RFD in the medical community.

University of Rochester Medical Center was selected through a request for proposal process described in the attached summary.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-200

Ordinance No. 2013-366
(Int. No. 399)

Establishing Maximum Compensation For An Agreement For Medical Director Services For The Fire Department

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

Section 1. The sum of \$90,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the University of Rochester Medical Center for emergency medical consultation services for the Rochester Fire Department for a term of two years, with one two-year renewal option. Of said amount, \$21,600 shall be funded from

each of the 2013-14 and 2014-15 Budgets of the Rochester Fire Department, and \$23,500 for each of the renewal years from the 2015-16 and 2016-17 Budgets of the Rochester Fire Department, contingent upon the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-367
Re: 2013 State Homeland Security Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of a \$67,211 grant from the Homeland Security Program.

This grant is provided to enhance terrorism prevention in the Rochester/Monroe County region. Grantees are required to build capabilities that relate to the prevention of, protection from, or response to terrorism.

The 2013 allocation will be used by the Fire Department to purchase portable submersible radios (\$18,900). The balance will be used to provide New York State certified technical rescue training for seventy firefighters and officers.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-367
(Int. No. 400)

Authorizing An Agreement For A State Homeland Security Program Grant

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding to enhance terrorism prevention under the State Homeland Security Program.

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

Section 3. The sum of \$67,211, or so much as may be granted, is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the purchase of equipment and training.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 407
Re: Drug Free Zone

Transmitted herewith for your approval is legislation which will create a new section of the City Code to prohibit loitering for the purpose of selling drugs in defined areas. For many years, the City has received complaints about increasing numbers of individuals who loiter in front of businesses, homes, street corners, and vacant lots.

Not only is the concern centered on loitering but often the people loitering are involved in serious crimes such as homicides, robberies, or selling narcotics.

The defined Drug Free Zones will be identified by the Chief of Police based on specific criteria defined in the legislation.

Respectfully Submitted,
Adam C. McFadden
Chair
Public Safety, Youth & Recreation Committee
South District Representative

Introductory No. 407

**AMENDING THE MUNICIPAL CODE TO
PROVIDE FOR THE ESTABLISHMENT OF
DRUG FREE ZONES**

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

Section 1. There is hereby added to the Municipal Code a new Chapter 47C, Drug Free Zones, to read in its entirety as follows:

Chapter 47C. Drug Free Zones.

§ 47C-1. Definitions.

For the purposes of this chapter, the term:

- (1) "Chief of Police" means the Chief of Police of the City of Rochester.
- (2) "Disperse" means to depart from the designated drug free zone and not to reassemble within the drug free zone with anyone from the group ordered to depart for the duration of the zone.
- (3) "Drug free zone" means public space on public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to § 47C-2.
- (4) "Illegal drug" means "marihuana" or a "controlled substance" as defined in Section 220.00 of the New York State Penal Law, which is possessed or sold in violation of Article 33 of the New York State Public Health Law.

(5) "Police Department" means the Rochester Police Department.

§ 47C-2. Procedure for establishing a drug free zone.

- (a) The Chief of Police may declare any public area a drug free zone for a period not to exceed 120 consecutive hours. The Chief of Police shall inform each member of the Council of the City of Rochester of the declaration of a drug free zone.
- (b) In determining whether to designate a drug free zone, the Chief of Police shall consider the following:
 - (1) The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed drug free zone within the preceding 6-month period;
 - (2) Any number of homicides related to the possession or distribution of illegal drugs that were committed in the proposed drug free zone within the preceding 6-month period;
 - (3) Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space on public property within the proposed drug free zone; and
 - (4) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live in the proposed drug free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

§ 47C-3. Notice of a drug free zone.

Upon the designation of a drug free zone, the Police Department shall mark each block within the drug free zone by using barriers, tape, or police officers that post the following information in the immediate area of, and borders around, the drug free zone:

- (1) A statement that it is unlawful for a person to congregate with one or more persons for the purposes of participating in the use, purchase, or sale of illegal drugs within the boundaries of a drug free zone, and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department;
- (2) The boundaries of the drug free zone;
- (3) A statement of the effective dates of the drug free zone designation; and
- (4) Any other additional notice to inform the public of the drug free zone.

§ 47C-4. Prohibition.

- (a) It shall be unlawful for a person to congregate with one or more persons in public space on public property within the perimeter of a drug free zone established pursuant to § 47C-2 for the purposes of participating in the use, purchase, or sale of illegal drugs and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department.
- (b) In making a determination whether a person is congregating in a drug free zone for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:
 - (1) The conduct of a person being observed, including, but not limited to, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of small packages to other persons, the receipt of currency for the exchange of a small package, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;
 - (2) Information from a reliable source indicating that a person being observed routinely distributes illegal drugs within the drug free zone;
 - (3) Information from a reliable source indicating that the person being observed is currently engaging or plans to engage in illegal drug-related activity within the drug free zone;
 - (4) Such person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity; and
 - (5) Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, the phrase a "known unlawful drug user, possessor, or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court of any violation involving the use, possession, or distribution of any illegal drug; or is a person who displays physical characteristics of drug use, including, but not limited to, "needle tracks".

§ 47C-5. Penalties.

Any person who violates § 47C-4 shall, upon conviction, be subject to a fine of not more than \$300 for a first offense, and for subsequent offenses to a fine of not more than \$300 or imprisonment for not more than 30 days, or both.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Held in Committee.

The meeting was adjourned at 7:57 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
NOVEMBER 19, 2013

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:
Library
*Deborah T. Leary
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of October 15, 2013 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 4126-13

The Council submits Disclosure of Interest Forms from Councilmember Ortiz on Int. No. 416, Councilmember Haag on Int. No. 431, and President Warren on Int. No. 439.

PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS.

None presented

PUBLIC HEARINGS.

Resolution No. 2013-16
(Int. No. 438)

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

Amending The Official Map And Authorizing A Property Exchange For The Discontinuance And Acquisition Of Parkland For Tryon Park Int. No. 418 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Verona Street From Smith Street To Jay Street Int. No. 422 No speakers.

Amending The Official Map By Dedicating Cortland Street And An Extension Of Elm Street Int. No. 423 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2013-16
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:

Permanent Panel Members (5-year term)

Michael Galitzdorfer
3 N. Goodman Street
Rochester, NY 14618
Lindsay Macaluso
333 Meigs Street
Rochester, NY 14607

Temporary Panel Members (1-year term)

Carm Diamond
342 Birr Street
Rochester, NY 14613
LaShay Harris
323 Aldine Street
Rochester, NY 14619
Carlos Mercado
12 Vick Park A
Rochester, NY 14607
Gerard Roberts
32 Berkeley Street
Rochester, NY 14607
Susan Sanford
76 Bond Street
Rochester, NY 14620

Resumes of the above appointees are on file with the City Clerk.

Respectfully submitted,
Lovely A. Warren Carolee A. Conklin
President Finance Chair

Attachment No. AM-201

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 the following persons to the Board of Assessment Review for terms that shall expire on September 30, 2018:

Michael Galitzdorfer
3 N. Goodman Street
Rochester, NY 14607
Lindsay Macaluso
333 Meigs St.
Rochester, NY 14607

Section 2. The Council hereby approves the appointment of the following persons to serve as temporary members of the Board of Assessment Review for 2014:

Carm Diamond
342 Birr Street
Rochester, NY 14613
LaShay Harris
323 Aldine Street
Rochester, NY 14619
Gerard Roberts
32 Berkeley Street
Rochester, NY 14607
Carlos Mercado
12 Vick Park A
Rochester, NY 14607
Susan Sanford
76 Bond Street
Rochester, NY 14620

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-368
Re: Agreement - Strategic Community Intervention, LLC, Mayoral Transition

Transmitted herewith for your approval is legislation authorizing an agreement with Strategic Community Intervention, LLC for services related to the Mayoral Transition.

The cost of this agreement will not exceed \$28,915 and will be funded from the 2013-14 Budget for Undistributed Expenses. The funds will be used to provide the new Mayor and her team with an analysis of the financial and operational statuses of the City of Rochester and implement the public engagement process that the Mayor-Elect is incorporating into the transition.

Respectfully submitted,

Carolee A. Conklin
Finance Chair

Attachment No. AM-202

Ordinance No. 2013-368
(Int. No. 439)

Establishing Maximum Compensation For A Professional Services Agreement For Mayoral Transition Assistance

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

Section 1. The sum of \$28,915, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Strategic Community Intervention, LLC for services relating to the Mayoral transition, including financial and operational analyses of the City government and implementation of the public engagement process that the Mayor-Elect will incorporate into the transition. Said amount shall be funded from the 2013-14 Budget for Undistributed Expense.

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 - None - 0.

President Warren abstained because of professional consideration.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 19, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 408 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Records Management System For The Police Department

Int. No. 409 - Establishing Maximum Compensation For An Amendatory Agreement For The Consolidation Of Printers

Int. No. 410 - Authorizing A Request To The Financial Restructuring Board For Local Governments For A Comprehensive Review

Int. No. 411 - Resolution Approving An Appointment To The Rochester Public Library Board Of Trustees

Int. No. 433 - Amending The Municipal Code

With Respect To Entertainment Center License Fees

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. Nos. 408 and 409)

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-369
Re: Amendatory Agreement - New World Systems, RPD Records Management System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with New World Systems Corporation for services related to additional software modules for use with the Records Management System (RMS) for the Rochester Police Department. The original agreement (Ord. No. 2011-316) included \$1,300,000 as maximum compensation. This amendment will increase that amount by \$450,000 for a total of \$1,750,000. This amount will be funded from 2012-13 Cash Capital (\$430,000) and the 2013-14 Budget of the Information Technology Department (\$20,000).

This multi-phased project was successfully launched in March 2013. Future phases will expand the functionality of the RMS, and will be implemented based on priorities determined by RPD. Implementation of future phases will allow the City to decommission obsolete legacy standalone systems currently being used by RPD.

The additional funding will provide for the purchase of additional software modules for added functionality, and the required associated professional services from New World Systems. The next phase will include software modules for narcotics case management, sex offender registry, and an interface to the electronic citation and motor vehicle system used by RPD. It is anticipated that this phase will be completed by spring 2015. Following this phase, software modules for tracking of gang information, property/evidence management, and an interface into RPD's internal case management system will be considered.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-369
(Int. No. 408)

Establishing Maximum Compensation For An Amendatory 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 \$450,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and New World Systems Corporation for the purchase and implementation of additional Records Management System modules for the Rochester Police Department. Of said amount, \$430,000 shall be funded from the 2012-13 Cash Capital allocation and \$20,000 shall be funded from the 2013-14 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-370
Re: Amendatory Agreement - Xerox Corporation, Printer Consolidation Project Phase III

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Xerox Corporation for continuation of the printer consolidation project. Ordinance No. 2010-388 authorized \$2,050,000 as maximum compensation for a term of five years. This amendment will increase that amount by \$500,000 for a total of \$2,550,000. The additional amount reflects estimated costs for the leasing (\$400,000) and servicing (\$100,000) of up to 48 additional new printers. Current year expenses will be funded using \$50,000 in Prior Years' Cash Capital and \$25,000 from the 13-14 Operating Budget of the Department of Information Technology. The remaining amount (\$425,000) will be funded from future capital and operating budgets, contingent upon their approval.

The goal of the project is to reduce expenses and increase efficiency by replacing outdated printers, reducing the overall number of printers, and consolidating related services. In the first two phases of the project, which included City Hall, the Public Safety Building, and the Mt. Read Complex, approximately 300 printers were removed from service and replaced with 72 Xerox printers. These initial phases also provided updated functionality and reduced costs for central Duplicating. Savings were also realized by placing non-Xerox printers on a consolidated maintenance agreement.

The additional funding requested herein will support a third phase that will address the needs of smaller work areas that were not included in the scope of the original agreement as well as new requirements that have surfaced since the implementation of Phases I and II. Phase III will remove 55 outdated printers and install up to 48 new Xerox printers.

In 2010 it was estimated that the City spent

\$730,875 annually on printer consumables including ink, toner, and maintenance kits for office and print shop environments. The projected savings over five years for full implementation is estimated at over \$1 million.

As per the terms of the original agreement, all new printers will be leased, with an anticipated buy-out in 2015. At the end of the agreement the City will take ownership of all printers leased through this agreement.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-370
(Int. No. 409)

Establishing Maximum Compensation For An Amendatory Agreement For The Consolidation Of Printers

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

Section 1. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory agreement between the City and the Xerox Corporation for the lease or purchase of additional printers and associated services related to the consolidation of printers at City facilities. Of said amount, \$25,000 shall be funded from the 2013-14 Budget of the Information Technology Department, \$50,000 shall be funded from the Cash Capital allocation from prior years and \$425,000 shall be funded from the 2014-15 and 2015-16 Budgets, contingent upon the adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-371
Re: New York State Financial Restructuring Board for Local Governments, Request For Review

Transmitted herewith for your approval is legislation authorizing a resolution in support of the City's request for a comprehensive review of the City by the New York State Financial Restructuring Board for Local Governments (FRB).

The FRB is a ten-member panel available year round to offer assistance to eligible municipalities. The Board is chaired by the Budget Director and includes the State Comptroller, the Attorney General, the Secretary of State, and six other members appointed by the Governor. Of these six appointees, one is recommended by the Temporary President of the Senate, and one is recommended by the Speaker of the Assembly.

Any county, city (except New York City), town, or village deemed a Fiscally Eligible Municipality by the FRB may request, by resolution of its governing board with the concurrence of its chief executive, a Comprehensive Review from the FRB. Eligibility is determined by the FRB which considers the average full value property tax rate and the average fund balance percentage of the municipality. The City of Rochester qualifies as eligible by having an average full value property tax rate greater than the average full value property tax rate of 75 percent of the other municipalities.

If the FRB decides to undertake a Comprehensive Review of a municipality, it can request any information necessary to understand the municipality's finances and operations. Based on this information, the FRB would make recommendations to that municipality on improving its fiscal stability, management, and the delivery of public services. In addition, the FRB could offer grants and/or loans of up to \$5 million through the Local Government Performance and Efficiency Program for undertaking certain recommendations. If the municipality agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the aid.

A request for a review is being made at this time in the hope that it may inform the development of the 2014-15 Budget.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-371
(Int. No. 410)

Authorizing A Request To The Financial Restructuring Board For Local Governments For A Comprehensive Review

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

Section 1. The Council hereby authorizes the Mayor to request that the Financial Restructuring Board for Local Governments undertake a comprehensive review of the operations, finances, management practices, economic base and any other factors that in its sole discretion it deems relevant to be able to make findings and recommendations on reforming and restructuring the operations of the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-17
Re: Appointment - Rochester Public Library Board of Trustees

Transmitted herewith for your approval is legisla-

tion confirming the appointment of Justin Stevens, 83 Merriman Street, Apt. 1, Rochester, NY 14607, to the Rochester Public Library Board of Trustees. Mr. Stevens has been nominated by unanimous vote of the Rochester Public Library Board of Trustees at its October 23, 2013 meeting.

Mr. Stevens will succeed Kelvin Knight, who resigned from the Board in light of employment with the City of Rochester. Mr. Stevens will complete Mr. Knight's term, which expires December 31, 2017.

A copy of Mr. Stevens' resume is available for review in the City Clerk's office.

Respectfully submitted,
Thomas S. Richards
Mayor

Resolution No.2013-17
(Int. No. 411)

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 Justin Stevens, 83 Merriman Street, Apt. 1, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2017. Mr. Stevens shall replace Kelvin Knight, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-372
Re: Amending the Municipal Code - Entertainment Center Licenses

Transmitted herewith for your approval is legislation amending Chapter 29 of the Municipal Code with respect to Entertainment License fees. Because the present fee structure (+/- 2400 square feet) appears overly restrictive, for the past several months an interdepartmental City staff team has been reviewing the license fee structure. The purpose of the review was to better align the fees and the use of City services, to provide more flexibility in the licensing fee, to enable smaller establishments that offer background entertainment to thrive without paying a substantial licensing fee, and generally help promote a diverse range of safe entertainment establishments in the City.

Increasingly, building occupancy, often connected to New York State building code standards, is being used to set fees. A tiered pricing fee structure tied to occupancy and the presence of a full liquor license is being proposed.

The proposed fee structure listed below would lower the fees on smaller clubs and modestly raise those on larger ones. It is projected that the City's Entertainment Center Licensing revenue will be equal or comparable to what is currently being collected.

Proposed Fee Structure:

Occupancy:	Fee:
0-49 persons	\$100* annual
50-99 persons	\$275* annual
100-249 persons	\$425* annual
250+ persons	\$500* annual

*An additional \$100 fee will be charged to any establishment with an Entertainment Center License serving a full line of alcoholic beverages, and not those serving just beer and wine.

Respectfully submitted,
Lovely A. Warren Council President
Carolee A. Conklin Chair, Finance Committee

Ordinance No. 2013-372
(Int. No. 433)

Amending The Municipal Code With Respect To Entertainment Center License Fees

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

Section 1. Section 29-16 of the Municipal Code, relating to license fees for entertainment centers, as amended, is hereby further amended by amending subsection A(2) thereof to read in its entirety as follows:

- (2) Entertainment centers which offer or present any public entertainment or motion picture other than or in addition to those individual mechanical motion-picture machines commonly known as "peep shows" shall pay in accordance with the following schedule:

Occupancy	Annual Fee
0-49 Persons	\$100
50-99 Persons	275
100-249 Persons	425
250+ Persons	500

In addition to the above fee, entertainment centers with any New York State license allowing for the consumption of liquor on the premises shall be charged an extra \$100 annual fee.

Section 2. This ordinance shall take effect for the license year beginning February 1, 2014.

Passed unanimously.

By Councilmember Palumbo
November 19, 2013

To the Council:

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

Int. No. 412 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2013-356, As Amended

Int. No. 416 - Authorizing An Amendatory Agreement For The Home Rochester Program

Int. No. 434 - Resolution Approving Appointments To The Zoning Board Of Appeals

Int. No. 437 - Resolution Approving Appointments To The Rochester Preservation Board

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

Int. No. 418 - Amending The Official Map And Authorizing A Property Exchange For The Discontinuance And Acquisition Of Parkland For Tryon Park

The following entitled legislation is being held in Committee:

Int. No. 413 - Resolution Approving Appointment To The Examining Board Of Plumbers

Int. No. 414 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Michelsen Mills Affordable Housing Project

Int. No. 415 - Approving Loan Agreements For The Michelsen Mills Affordable Housing Project

Int. No. 417 - Authorizing The Acquisition And Sale Of The Bevier Building And Approving Loans

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Jacklyn Ortiz (Abstained on Int. No. 416)
Lovely A. Warren
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-373
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of nine properties. City records have been audited to ensure that, with the exception of those buying unbuildable vacant land, purchasers:

- Do not own other properties with code violations or delinquent taxes, and

- During the past five years have not been in contempt of court or fined as a result of an appearance ticket issued by the Bureau of Inspection and Compliance Services.

The first property is a vacant lot sale to the adjacent owner to be combined with their existing lot and used as yard space. The next two properties are vacant lots being sold to the adjoining owners who plan to develop said lots for additional parking. The fourth property is a vacant lot sale to the adjacent owner to be combined with their existing lot and used as yard space.

The next five parcels are unbuildable vacant lots and are all being sold to their adjacent owners who will combine the lots with their existing properties as additional green space.

The first year projected tax revenue for these nine properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,276.

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. AM-203

Ordinance No. 2013-373
(Int. No. 412, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2013-356

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>
60 Fillmore St	120.48-2-43	40x128	5,120	\$ 450	Annette Hylton
213 Garson Av	106.68-3-3	45x135	6,071	\$ 475	ABR Wholesalers*
633-635 Hudson Av	106.33-1-19	48x150	7,227	\$2,700	Northside Church of Christ**
218-220 Lyell Av	105.67-1-45	46x103	2,117	\$ 530	Derwin King

*Corporation Officers: Jody Monaco McGarry, President; Ruth Monaco, Vice President; Matthew McGarry, Treasurer; V. James Monaco, Secretary.

**Board of Trustees: Earnest Daniels, Chairman; Rufus Crawford, Treasurer; William S. Johnson, Secretary.

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>
25 Bauman St	091.80-2-51	31x114	3,573	La Sharn Wright
86 Bauman St	091.72-3-69	38x105	3,763	LN Property Services, LLC***
89 Dayton St	091.81-2-2	35x74	2,556	Vernal Logan
427 Hayward Av	106.76-1-34	38x158	5,753	Andora Moses
294 Wilkins St	106.24-1-65	31x102	3,213	Sara Williams

***Principals: Luis Hernandez, Owner; Norma I. Hernandez, 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. Ordinance No. 2013-356, relating to the acquisition of 565 Culver Road, is hereby amended by amending the source of funds to provide that \$125,000 shall be funded from the Cash Capital allocation (Refuse) from prior years and \$25,000 shall be funded from the Cash Capital allocation (Local Works) from prior years.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-374
Re: Amendatory Agreement - Rochester
Housing Development Fund Corporation,
Home Rochester Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Housing Development Fund Corporation for the continued operation of the Home Rochester Program to serve households up to 120% of Median Family Income (MFI). The original agreement, authorized via Ordinance No. 2012-12 included \$210,000 as maximum compensation, and was previously amended (Ord. No. 2013-93) to add \$120,000 in compensation. The current amendment will increase that amount by an additional \$200,000, for a total of \$530,000. The additional cost will be funded from prior years' Cash Capital.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant, single-family houses for resale to income-eligible households. Developers include the Urban League of Rochester Economic Development Corporation, PathStone, and the following CHDOs: 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. CHDO recertification for Marketview Heights Association is pending and is required prior to their undertaking any Home Rochester work.

Funding for Home Rochester properties available to families with incomes less than 80% of the MFI is provided by the City's HUD HOME grant funds. Beginning in 2010 the City has allocated Cash Capital funds to address additional low-income families (i.e., those with incomes up to 120% of MFI). To date, the City funds have served 18 homebuyers.

Cash Capital funds were most recently authorized for this program via Ordinance No. 2013-181; additional funds are requested now to address higher than anticipated project costs and greater than anticipated demand for higher income buyers. The amount requested will provide subsidies (averaging \$30,000) for the acquisition and rehabilitation of approximately six vacant structures by participating developers for first time homebuyers. All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of fifteen years.

The term of this agreement is extended through October 31, 2016, with option to extend for an additional year if there are funds remaining in the original appropriation.

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. 2013-374
(Int. No. 416)

Authorizing An Amendatory 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 amendatory agreement with the Rochester Housing Development Fund Corporation to fund housing development subsidies for the operation of the Home Rochester Program through October 31, 2016 to serve Home Rochester homebuyers up to 120% of Area Median Income. The amendatory agreement may contain an option for an additional year if there are funds remaining in the original appropriation

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$200,000, 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. The City shall only enter into agreements with organizations that are in compliance with Federal regulations.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - None - 0.

Councilmember Ortiz abstained because of a professional relationship.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-18
Re: Appointment and Re-Appointments -
Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of two new members, and the re-appointment of two current members of the Zoning Board of Appeals, as follows:

Appointment
Mary Freund Tilton
25 Berkeley Street, 14607

Donna Turner
285 Roxborough Road, 14619

Ms. Tilton is currently a member of the Rochester Preservation Board; upon confirmation of her appointment to the ZBA, she will resign from the Preservation Board. She will fill the vacancy created by the resignation of Elizabeth Bozek in 2011. Ms. Bozek's term would have expired on October 31, 2012. Ms. Tilton's term will be effective immediately and will expire October 2014.

Ms. Turner will fill the vacancy created by the resignation of Sherry Walker in October 2009. Ms. Walker's term would have expired on October 31, 2013. Ms. Turner's term will be effective immediately and will expire in October 2015.

Re-Appointment
Eric Van Dusen
24 Trafalgar Street, 14619
Roseanne Khaleel
214 Croydon Road, 14610

Mr. Van Dusen has been a member on the Zoning Board since 1998, and was most recently re-appointed in October 2011 to a term that expired in May 2013. His new term will expire in May 2015.

Ms. Khaleel has served on the Board since 2000, and was most recently re-appointed in October 2011 to a term that expired in May 2013. Her new term will expire in May 2015.

A summary description of the board and list of current members is attached.

Resume for these four individuals are on file with the City Clerk.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-204

Resolution No. 2013-18
(Int. No. 434)

Resolution Approving Appointments To The Zoning Board Of Appeals

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

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

<u>Name</u>	<u>Expiration of Term</u>
Roseanne Khaleel	May 31, 2015
Eric Van Dusen	May 31, 2015

Section 2. The Council hereby approves the appointment of Mary Freund Tilton, 25 Berkeley Street, to the Zoning Board of Appeals for a term which shall expire on October 31, 2014. Ms. Tilton

shall replace Elizabeth Bozek, whose term has expired.

Section 3. The Council hereby approves the appointment of Donna Turner, 285 Roxborough Road, to the Zoning Board of Appeals for a term which shall expire on October 31, 2015. Ms. Turner shall replace Sherry Walker, whose term has expired.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2013-19
Re: Appointments - Rochester Preservation Board

Transmitted herewith for your approval is legislation confirming the appointment of two new members and the re-appointment of two current members to the Preservation Board, as follows:

Appointments
Christopher Carretta
145-G Gibbs Street, 14605
Jason M. Dobbs
735 Mt. Hope Avenue, 14620

Mr. Carretta would replace Mary (Mimi) Freund Tilton, whose term expired in September 2013 and has been appointed to the Zoning Board of Appeals, pending Council confirmation, as submitted in separate legislation this month. Mr. Carretta, a state-licensed real estate broker, would fill the position reserved for a licensed or certified real estate professional. He is also a resident of the Grove Place Preservation District. His term will expire at the end of September 2015.

Mr. Dobbs would replace Paul McAndrew, who had served for many years as a resident-at-large and who resigned several months ago. Mr. Dobbs is a state-registered architect and a resident of the Mt. Hope/Highland Preservation District. At this time, he would fill the position of a district resident but, in the future, could fill the position of architect or member of a recognized historical association. Mr. Dobbs' term will expire at the end of November 2014.

Reappointments
Bruce McLear
205 Barrington Street, 14607

Mr. McLear was originally appointed in May 2010. This will be his second term, and will expire May 2014. Mr. McLear fills one of two positions reserved for a licensed architect.

A summary description of the Board and its current members is attached.

Resumes are on file with the City Clerk.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-205

Resolution No. 2013-19
(Int. No. 437)

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 reappointment of Bruce McLearn to the Rochester Preservation Board for a term which shall expire on May 31, 2014.

Section 2. The Council hereby approves the appointment of Christopher Carretta, 145-G Gibbs Street, to the Rochester Preservation Board for a term which shall expire on September 30, 2015. Mr. Carretta shall replace Mary (Mimi) Freund Tilton, whose term has expired.

Section 3. The Council hereby approves the appointment of Jason M. Dobbs, 735 Mt. Hope Avenue, to the Rochester Preservation Board for a term which shall expire on November 31, 2014. Mr. Dobbs shall replace Paul McAndrew, who has resigned.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-375
Re: Official Map Amendment, Property Exchange - Tryon Park

Transmitted herewith for your approval is legislation authorizing a Property Exchange Agreement with Brian Conheady and Elizabeth A. Conheady for property located adjacent to and within Tryon Park; and amending the Official Map of the City to reflect this exchange and dedicating a portion of 217 Tryon Park as parkland.

The property at 217 Tryon Park is currently owned by the Conheadys. More than 50 years ago, a previous owner built an accessory structure that extends into the parkland. It has been determined that the best solution for the property owner and the City is to simply exchange an equal amount of land to provide clear title to 217 Tyron Park and preserve an equivalent amount of parkland.

The City will acquire .046 acres of the current residential property at 217 Tryon Park owned by the Conheadys. In exchange, Mr. and Mrs. Conheady will acquire a parcel (.040 acres) that is currently located within Tryon Park.

The City Planning Commission held an informational meeting on this proposed map amendment on Monday, October 21, 2013. One person spoke in support of the map amendment; no one spoke in opposition. By a vote of 5-0, the Planning Commission recommended approval. The minutes of that meeting and a map illustrating the affected parcels are attached.

An independent appraisal of the two properties, as prepared by Bruckner, Tillett, Rossi, Cahill & Associates has valued the parcels equally.

Home Rule Message Regarding State Legislation Relative to the Alienation and Acquisition of Parkland for Tryon Park was adopted by City Council in May Resolution No. 2013-11 on May 14, 2013.

A public meeting on the Official Map Amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-206

Ordinance No. 2013-375
(Int. No. 418)

Amending The Official Map And Authorizing A Property Exchange For The Discontinuance And Acquisition Of Parkland For Tryon Park

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

Section 1. Pursuant to Chapter 149 of the Laws of 2013, Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by discontinuing as park land the following parcel, heretofore dedicated as a part of Tryon Park:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, being part of Lot 33 of the Winton Road Tract as filed in the Monroe County Clerk's Office October 20, 1910 in Liber 23 of Maps, Page 19 and more particularly bounded and described as follows:

Commencing at a point in the southerly line of Tyron Park (50' Wide R.O.W.) a distance of 1621.17 feet easterly of the easterly line of North Winton Road (66.0' Wide R.O.W.), said point being also the northwest corner of lands conveyed to Brian Conheady and Elizabeth A. Conheady by a deed recorded in the Monroe County Clerk's Office on September 13, 2010 in Liber 10920 of Deeds, Page 571; thence easterly, along said southerly line of Tryon Park, 40.00 feet to a point being the northeast corner of said land conveyed to Conheady and being the point and place of beginning of the parcel to be described; thence easterly, continuing along the same course on a line forming an interior angle of 90°00'00" with the easterly line of said lands

conveyed to Conheady and through lands conveyed to the City of Rochester by a deed recorded in the Monroe County Clerk's Office August 16, 1922 in Liber 1190 of Deeds, Page 12, a distance of 10.50 feet to a point; thence southerly, continuing through said lands conveyed to the City of Rochester and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 166.50 feet to a point; thence westerly, continuing through said lands conveyed to the City of Rochester and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 10.50 feet to a point in said easterly line of lands conveyed to Conheady; thence northerly, along said easterly line of lands conveyed to Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 166.50 feet to the point and place of beginning. Said lands to be conveyed being 0.040 acres of land more or less.

Being part of the same premises conveyed to the City of Rochester by a deed recorded in the Monroe County Clerk's Office August 16, 1922 in Liber 1190 of Deeds, Page 12.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following parcel as park land and adding said parcel to Tryon Park:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, being part of Lot 32 and Lot 33 of the Winton Road Tract as filed in the Monroe County Clerk's Office October 20, 1910 in Liber 23 of Maps, Page 19 and being more particularly bounded and described as follows:

Commencing at a point in the southerly line of Tyron Park (50' Wide R.O.W.) a distance of 1621.17 feet easterly of the easterly line of North Winton Road (66.0' Wide R.O.W.), said point being also the northwest corner of lands conveyed to Brian Conheady and Elizabeth A. Conheady by a deed recorded in the Monroe County Clerk's Office on September 13, 2010 in Liber 10920 of Deeds, Page 571; thence easterly, along said southerly line of Tryon Park, 40.00 feet to a point being the northeast corner of said lands conveyed to Conheady; thence southerly, along the easterly line of said lands conveyed to Conheady and on a line forming an angle of 90°00'00" in the southwest quadrant, a distance of 166.50 feet to the point and place of beginning of the parcel to be described; thence continuing southerly on the same course and on a line forming an interior angle of 90°00'00", a distance of 33.50 feet to a point, said point being the southeast corner of said lands conveyed to Conheady; thence westerly, along the southerly line of said lands conveyed to Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 60.00 feet to a point, said point being the southwest corner of said lands

conveyed to Conheady; thence northerly, along the westerly line of said lands conveyed to Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 33.50 feet to a point; thence easterly, through said lands of Conheady and on a line forming an interior angle of 90°00'00" with the previous course, a distance of 60.00 feet to the point and place of beginning. Said lands to be conveyed being 0.046 acres of land more or less.

Being part of the same premises conveyed to Brian Conheady and Elizabeth A. Conheady by a deed recorded in the Monroe County Clerk's Office on September 13, 2010 in Liber 10920 of Deeds, Page 571.

Section 3. The Council hereby approves the exchange of property with Brian Conheady and Elizabeth A. Conheady whereby the City shall acquire the parcel described in Section 2, constituting a portion of 217 Tryon Park, in exchange for the parcel described in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 413
Re: Appointment - Examining Board of Plumbers

Transmitted herewith for your approval is legislation confirming the appointment of Lou Englert to the Examining Board of Plumbers. Mr. Englert replaces Tom Mann who has taken on additional responsibilities in his position of Permit Office Manager for NBD; his term expires December 2015.

Mr. Englert holds a Masters Plumbing License and is employed by the City as a Plumbing Inspector in the Department of Neighborhood and Business Development.

The Examining Board of Plumbers (as per General City Law § 40-A) consists of five members:

- Two employing or master plumbers with no less than ten (10) years' experience
- One journeyman plumber with like experience
- The chief inspector of plumbing and drainage for the City (or officer performing the duties of such inspector)
- The chief engineer having charge of the water system in the City.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 413

RESOLUTION APPROVING APPOINTMENT 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 appointment of Louis Englert, a Plumbing Inspector in the Department of Neighborhood and Business Development, to the Examining Board of Plumbers for a term which shall expire on December 31, 2015. Mr. Englert shall replace Thomas Mann.

Section 2. This resolution shall take effect immediately.

Held in Committee

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 414 and
Introductory No. 415
Re: Michelsen Mills Affordable Housing Project

Transmitted herewith for your approval is legislation related to the Michelsen Mills project, an affordable housing project being undertaken by the Urban League of Rochester Economic Development Corporation (ULREDC) in partnership with Edgemere Development. This legislation will:

1. Authorize property tax exemptions and payment-in-lieu of taxes agreements for the project, which will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
2. Authorize two loan agreements with ULREDC or an affiliated partnership or housing fund development corporation to be formed by ULREDC, and appropriate HOME funds and approve Cash Capital funds (a total of \$1,850,000) to fund the loans, as follows:

<u>Amount</u>	<u>Source</u>
\$32,867	2012-13 HOME - Housing Development Account of the Affordable Housing Fund
\$641,161	2013-14 HOME - Housing Development Account of the Affordable Housing Fund
\$1,175,972	Cash Capital - Prior Years

- Loan 1, in the amount of \$1million, will serve initially as a non-amortizing, 2% construction loan. At conversion to permanent financing, it will begin to amortize over 30 years at the following rates: years 1 through 5 at 1%, years 6 through 15 at

2%, and years 16 through 30 at 6%. Up to one-half of the first two years' payments may be deferred if necessary (upon audit) to offset any rent concessions required to achieve full occupancy.

- Loan 2, in the amount of \$850,000, will serve initially as a non-amortizing, 2% construction loan, then at conversion become a 30 year, interest-only loan at 2% whose payments would be cash flow dependent and deferred/accrued if and when necessary, with all principal and interest due upon maturity.
3. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein.
 4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

The project will transform two historic industrial buildings - the Michelsen Furniture Factory at 182 Avenue D and Rochester Plumbing Supply at 281-295 Mill Street - into 59 workforce apartments for tenants with income levels between 50-60% of Area Median Income (AMI). Both sites have been designed to preserve essential historic features.

Both buildings are on the National Register of Historic Places and are located in Qualified Census Tracts, thereby qualifying them for both historic tax and low income housing credits from the state and federal governments. Combining the two sites into one project allows for more efficient application of tax credits and alternative financing.

The Mill Street site will be the final phase of Mills at High Falls in Rochester's Browns Race district. The Michelsen site will complement other significant public and private investment in Rochester's northeast quadrant.

The sources and uses for the Michelsen Mills project are summarized below:

<u>Uses</u>	
Acquisition	\$ 605,400
Construction	11,843,387
Contingency	1,184,339
Professional services	832,500
Carrying and finance	1,530,335
Development fee	1,907,407
Working capital and reserves	<u>277,783</u>
Total	\$18,181,151
<u>Permanent Sources</u>	
HFA Bonds	\$ 500,000
City Loan 1	1,000,000
City Loan 2	850,000
HFA subsidy	830,000
Fed. historic tax credit equity	3,090,596
State historic tax credit equity	1,927,468
Federal low-income housing tax credit equity	5,494,991

State low-income housing tax credit equity	3,426,983
Deferred development fee	<u>1,061,113</u>
Total	\$18,181,151

The City anticipates the sale of 374 Conkey to ULREDC at a later date for use as parking for the project.

The workforce goals for the project are 25% for women and minorities combined.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 414

APPROVING A PROPERTY TAX EXEMPTION AND AUTHORIZING AN IN LIEU OF TAX AGREEMENT FOR THE MICHELSEN MILLS AFFORDABLE HOUSING PROJECT

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the properties at 182 Avenue D, SBL No. 091.770-2-31, and 281-291 Mill Street (aka 3 Brown Street), SBL No. 106.690-1-41, to be owned by the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Michelsen Mills Affordable Housing Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 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.

Held in Committee.

Introductory No. 415

APPROVING LOAN AGREEMENTS FOR THE MICHELSEN MILLS AFFORDABLE HOUSING PROJECT

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

Section 1. The Mayor is hereby authorized to enter into loan agreements with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or limited liability company formed for the purpose of developing the Project, whereby the City shall provide loans to partially finance the costs of the reconstruction of housing units as a part of the Michelsen Mills Affordable Housing Project. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loans in order to conform to legal and other requirements for the Project. The City shall provide two loans for the project with the following terms:

- \$1,000,000 to serve initially as a non-amortizing, 2% construction loan, then at conversion begin to amortize over thirty years and carry several rate adjustments: years 1 through 5 at 1%, years 6 through 15 at 2%, and years 16 through 30 at 6%. Up to one-half of the first two years' payments may be deferred if necessary, upon audit, to offset any rent concessions required to achieve full occupancy.
- \$850,000 to serve initially as a non-amortizing, 2% construction loan, then at conversion to become a thirty year, interest-only loan at 2% whose payments would be cash flow dependent and deferred/accrued if and when necessary, with all principal and interest due upon maturity.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$1,850,000, and of said amount, or so much thereof as may be necessary, \$641,161 is hereby appropriated from the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2013-14 HOME Program, \$32,867 is hereby appropriated from the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2012-13 HOME Program and \$1,175,972 shall be funded from the Cash Capital allocation from prior years.

Section 3. The Mayor is hereby authorized to execute such agreements and other documents as may be necessary to effectuate the Project. The agreements and other documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 417
Re: Bevier Building Redevelopment Project

Transmitted herewith for your approval is legislation related to the mixed use redevelopment of the

historically significant Bevier Building and parking lot at 42 and 48 S. Washington Street, respectively. This legislation will:

1. Authorize the acceptance of the deeds to 42 and 48 S. Washington Street (the "Property") from the current owner Robert Conte in lieu of a City tax foreclosure. All City taxes and other charges, except water charges, against the properties will be canceled as of the date of closing. This will allow subsequent conveyance of the properties free of City tax liens and other charges.
2. Upon transfer of ownership to the City, authorize the sale of 42 and 48 S. Washington Street to the Rochester Land Bank Corporation (RLBC) for the amount of \$1.00.
3. Authorize a loan agreement in the amount of \$1,000,000 with an LLC whose managing members will be Douglas B. Sutherland, Ted L. Kinder, Timothy Stitt (of Syracuse-based Franklin Properties), and Patrick Dutton (Rochester) and/or entities controlled by each of them, respectively (the "Developer"). The loan will be financed from the Capital Project Housing Revolving Loan Fund (\$750,000) and prior years' Cash Capital (\$250,000). The loan will be personally guaranteed by the principals.

The loan will have a term of 24 months at one percent (1%) interest, and requires that two of the apartments be affordable to households with incomes under 120% Median Family Income (MFI) for a period of 10 years; one of those units will be affordable to households with incomes under 80% MFI.
4. Authorize the Mayor to convert up to \$250,000 of the \$1,000,000 loan to a grant. The City is working with the Developer to secure grants from other sources that would be applied in lieu of the City grant.
5. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreements authorized herein.
6. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

The Developer is proposing the adaptive reuse of the Property into 15 apartment units and 5,000 square feet of first floor commercial space. The Property, listed on the National Register of Historic Places, has been vacant since 2004. The history of the property is summarized in the attached timeline.

Outstanding taxes on the Property, including accrued interest, total \$164,445.34 (additional interest will accrue on November 1, 2013). This negative equity situation prevents the transfer of ownership. The physical condition of the property required emergency repairs by the City in 2010. Redeve-

lopment costs are extensive; in order make preserving this landmark building a viable project, public funding (including historic tax credits and tax abatements) is needed.

The Developer, the City, and Mr. Conte have executed a Memorandum of Understanding that proposes a three-way simultaneous transfer: the owner will deed the Property to the City in lieu of tax foreclosure, the City will deed the Property to RLBC, and RLBC will deed the Property to the Developer. The Developer will clear the mortgage debt, and acquisition by the City will provide a means for title issues to be cleared.

It is anticipated that RLBC will authorize the acceptance of the deed from the City to the land bank and the sale of the Property to the Developer at its November 21, 2013 meeting.

The sources and uses of funds for the proposed Bevier Building redevelopment project are as follows:

<u>Sources</u>	
Bank Loan	\$2,500,000
Equity	600,000
City Grant	250,000
City of Rochester - Bridge	<u>750,000</u>
Total	\$4,100,000
 <u>Uses</u>	
Acquisition	\$ 1
Construction	2,275,000
Soft Costs*	1,524,999
Developer Fee	<u>300,000</u>
Total	\$4,100,000

*architectural, engineering, marketing, construction management, financing fees, legal, accounting, construction interest, insurance, contingency, and an operations reserve.

The Developer and its affiliated entities have developed, own and manage more than \$60 million in seven comparable commercial and residential developments, three of which are certified historic rehabilitations of National Register landmark properties with a total of 270 residential units and 130,200 square feet of commercial space. Ted Kinder and Timothy Stitt are also principals in MCK Building Associates, a general contractor in Syracuse with over \$300 million in completed projects over the last 35 years.

The Developer will enter into a 30-year Payment In Lieu Of Taxes (PILOT) Agreement through the County of Monroe Industrial Development Agency (COMIDA). The PILOT formula will contain the following:

1. The Property will be assigned a base value of \$200,000 ("Imputed Value"), which is the most recent sales price for the properties. For the first five years after completion, and issuance of a Certificate of Occupancy, PILOT payments will be based on the Imputed Value at the tax rates in effect for those years.

- 2. At the end of the fifth year, a new base value reflecting actual operating experience over the first five years will be calculated. The City Assessor will review income, general operating expenses and debt service payments and calculate a new base value on which actual tax rates will be applied that would reasonably allow the project owner to realize a net cash flow return in the 6th year that is sufficient to meet 1.25 debt service coverage on the bank mortgage. That imputed base value will become fixed and remain in effect for the next 10 years.
- 3. At the end of the 15th year, the City Assessor may impute a new base value using actual data compiled over the previous three years of operations. The City Assessor will review income, general operating expenses and debt service payments and calculate a new value that would reasonably allow the project owner to achieve a net cash flow return in the 16th year that is sufficient to meet 1.30 debt service coverage on the bank mortgage. That imputed base value will become fixed and remain in effect for the next 15 years.

The Developer has committed to the following workforce hiring goals for the project: 20% for minority persons and 6.9% for women. Construction is anticipated to start in spring of 2014 and be complete by the spring of 2015.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Director of Planning and Zoning, Lead Agency for the environmental review, is undertaking a review of the proposed action. A negative declaration is anticipated and will be provided prior to the November meeting of City Council.

Respectfully submitted,
 Thomas S. Richards
 Mayor

Introductory No. 417

AUTHORIZING THE ACQUISITION AND SALE OF THE BEVIER BUILDING AND APPROVING LOANS

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

Section 1. The Council hereby approves the acceptance of the deeds to the Bevier Building and adjacent parking lot, 42 and 48 South Washington Street, SBL Nos. 121.30-0001-45 and 121.30-0001-43, in lieu of City tax foreclosure, from Robert Conte.

Section 2. City taxes and other charges, except water charges, against said parcels shall be canceled as of the date of closing for the reason that the City has agreed to accept the deeds in lieu of foreclosure.

Section 3. The Council hereby further approves

the sale of the Bevier Building and adjacent parking lot, 42 and 48 South Washington Street, SBL Nos. 121.30-0001-45 and 121.30-0001-43, to the Rochester Land Bank Corporation for the sum of \$1.00.

Section 4. The Mayor is hereby further authorized to enter into a loan agreement with a limited liability company whose managing members will be Douglas B. Sutherland, Ted L. Kinder, Timothy Stitt, and Patrick Dutton and/or entities controlled by each of them, respectively (the "Developer") to partially finance the costs of the Bevier Building Redevelopment Project. The loan agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and of said amount, or so much thereof as may be necessary, \$750,000 is hereby appropriated from the Capital Project Housing Revolving Loan Fund and \$250,000 from the Cash Capital allocation from prior years. The loan agreement shall have a term of 24 months, at 1% interest. A condition of the loan shall be that 2 of the apartments shall be affordable to households with incomes under 120% Median Family Income (MFI) for a period of 10 years; 1 of those units shall be affordable to households with incomes under 80% MFI. The loan shall be personally guaranteed by the principals of the Developer. If the Developer is unable to obtain grants from other sources, the Mayor is authorized to convert up to \$250,000 of the loan to a grant. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

Section 5. The Mayor is hereby authorized to execute such agreements and other documents as may be necessary to effectuate the Project. The agreements and other documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Scott
 November 19, 2013

To the Council:

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

Int. No. 419 - Amending The Municipal Code With Respect to Water, As Amended

Int. No. 420 - Establishing Maximum Compensation For A Professional Services Agreement For The Electric Vehicle Supply Equipment Project

Int. No. 421 - Approving An Undertaking For The Benefit Of The New York State Department Of Transportation In Connection With Work Affecting State Highways

Int. No. 429 - Establishing Maximum Compen-

sation For An Amendatory Professional Services Agreement For The Genesee Valley Park Pool And Ice Rink Building Interior Upgrades Project

Ordinance No. 2013-376
(Int. No. 419, As Amended)

Int. No. 432 - Authorizing An Agreement For The Intermodal Transportation Center And Amending The 2013-14 Budget

Int. No. 436 - Reducing The Amount Authorized In Bond Ordinance No. 2013-76, Amending Ordinance No. 2013-75 And Appropriating Funds For The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations

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

Int. No. 422 - Amending The Official Map By Abandonment Of A Portion Of Verona Street From Smith Street To Jay Street

Int. No. 423 - Amending The Official Map By Dedicating Cortland Street And An Extension Of Elm Street

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-376
Re: Amending the Municipal Code -
Section 23 Waterworks

Transmitted herewith for your approval is legislation amending Section 23 of the Municipal Code to clarify property owners' responsibilities and eliminate certain charges related to water delivery. The recommended changes are summarized below.

Section 23-5 Connection to Street Main
A new clause will be added specifying that it is the property owner's responsibility to maintain all water-service piping between the curb and the property.

Section 23-19 Short-term Water Shutoff
When a property owner requests that the water supply be turned off at the curb in order to perform short-term repairs or improvements, the City will not charge for the service.

Section 23-23 Resumption of Water Service
Reference to Section 23-19 is deleted from this statement about a fee for resumption of service.

Respectfully submitted,
Thomas S. Richards
Mayor

Amending The Municipal Code With Respect To Water

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

Section 1. Section 23-5 of the Municipal Code, Connection to street main, as amended, is hereby further amended by adding a new subsection C to read in its entirety as follows:

- C. The property owner is responsible for maintaining in good condition all water-service piping from the curb cock into the building, including all appurtenances. The pipe and fittings must be able to withstand system pressure variations. Leaky service pipe poses a serious risk of hazardous contamination of the water supply in case of low system pressure and must be replaced by the property owner as soon as possible.

Section 2. Section 23-19 of the Municipal Code, Short-term water shutoff, as amended, is hereby further amended by adding to the end thereof the following new sentence:

There shall be no charge for this service.

Section 3. Section 23-23 of the Municipal Code, Resumption of water service, as amended, is hereby further amended to read in its entirety as follows:

Section 23-23. Resumption of water service.

When the supply of water to a parcel is turned back on by the Waterworks after being turned off, under § 23-20, 23-21, 23-22 or 23-27, a service resumption fee pursuant to § 23-37F(3) shall be charged. If water is turned off pursuant to § 23-19, the service resumption fee shall be charged when the supply of water to a parcel is turned back on by the Waterworks on a Saturday, Sunday or holiday.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-377
Re: Agreement - Stantec Consulting Services,
Electric Vehicle Supply Equipment Project

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Stantec Consulting Services for resident project representation (RPR) services required for installation of Electric Vehicle Supply Equipment (EVSE) stations. The cost of

the agreement will be funded from New York State Energy Research and Development Authority reimbursements appropriated for this purpose via Ordinance No. 2012-394.

This federal aid project includes the installation of 12 EVSE stations, each with 2 ports, at seven public locations in the City, as summarized below:

<u>Location</u>	<u>Stations</u>	<u>Total Ports</u>
City Hall Parking Lot	1	2
Rochester Public Market	1	2
Port of Rochester	2	4
Washington Square Parking Garage	2	4
Court Street Parking Garage	2	4
Sister Cities Parking Garage	2	4
East End Parking Garage	2	4

This project will provide user-friendly stations for the purpose of charging electric and hybrid electric vehicles. The charging stations are bollard style dual port units anchored to concrete bases. Electrical power will be delivered to the electric vehicles by a retractable 18' cord. This project helps to advance the goals set forth in the City's 2009 Resolution in Support of Environment and Climate Protection Actions.

Bids for the project were received on September 24, 2013. The work will be performed by Blackmon Farrell Electric at a cost of \$228,905.

Stantec Consulting Services was selected for RPR services through a request for proposal process described in the attached summary.

It is anticipated that construction will begin in fall 2013 with scheduled completion in late fall 2014. The project will result in the creation/retention of the equivalent of 3.9 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-207

Ordinance No. 2013-377
(Int. No. 420)

Establishing Maximum Compensation For A Professional Services Agreement For The Electric Vehicle Supply Equipment Project

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec

Consulting Services, Inc. for resident project representation services for the Electric Vehicle Supply Equipment 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 anticipated reimbursements from the New York State Energy Research and Development Authority appropriated in Section 4 of Ordinance No. 2012-394.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-378
Re: NYSDOT Undertaking Resolution

Transmitted herewith for your approval is legislation authorizing a resolution certifying that the City will take responsibility for all work it performs in the State right-of-way. The New York State Department of Transportation has requested this action based on the City's status as a self-insured entity.

This Resolution will allow the City to continue to perform work within the New York State right-of-way as needed for related street improvement projects.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-378
(Int. No. 421)

Approving An Undertaking For The Benefit Of The New York State Department Of Transportation In Connection With Work Affecting State Highways

WHEREAS, the City of Rochester, hereinafter referred to as "City," from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, the City's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that the City assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by the City's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses.

NOW, THEREFORE, BE IT ORDAINED, by

the Council of the City of Rochester as follows:

Section 1. In relation to all operations and/or actions undertaken within state right-of-way, the Council hereby agrees to the following terms and conditions, and the Mayor is hereby authorized to execute the Undertaking on behalf of the City:

1. **Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, the City shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The City shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration.
2. **Applicable Rules, Regulations & Conditions.** The City shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.
3. **Site Restoration.** The City shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the City fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the City, may restore the property to substantially the same or equivalent condition as existed before the City's work/activities, in which case, the City agrees to reimburse the reasonable expenses in connection therewith.
4. **Payment & Release of Liens.** The City shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to the City in connection with the City's work.
5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the City, its agents, employees, or to any other person, or to any

property, occurring on the site or in any way associated with the City's activities or operations, whether undertaken by the City's own forces or by contractors or other agents working on the City's behalf. To the fullest extent permitted by law, the City agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the City's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, the City hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of the City. The City may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations. This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect.

This Undertaking may be revoked by the City or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-379
Re: Amendatory Agreement - TY Lin
International, Genesee Valley Pool and
Ice Rink Building Renovation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with TY Lin International for additional architectural services for this project. The original agreement, authorized via Ordinance No. 2013-100, included \$35,000 as maximum compensation for architectural services required for upgrades to the interior of the Genesee Valley Park pool and ice rink building. This amendment will increase that amount by \$12,400 to a total of \$47,400. The additional cost will be financed from 2013-14 Cash Capital.

The scope of the original project has been expanded to include: the reconfiguration of public toilet rooms to provide ADA accessible toilets; wall mounted individual lavatory fixtures; and ceiling

hung toilet partitions at lavatories adjacent to the security office. These improvements will meet operational needs and support ADA accessibility. The additions at this time are anticipated to result in savings in both time and costs from performing the work later as separate project. The amendatory agreement requested herein will allow for the related architectural services needed.

Total cost for the additional work is estimated at \$173,500. Construction will begin in April, 2014, with completion scheduled for June 2014. The additional work will result in the creation/retention of the equivalent of two full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-379
(Int. No. 429)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Genesee Valley Park Pool And Ice Rink Building Interior Upgrades Project

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

Section 1. The sum of \$12,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and T.Y. Lin International for engineering and architectural services for the Genesee Valley Park Pool and Ice Rink Building Interior Upgrades Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from the 2013-14 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-380
Re: Agreement - New York State Department
Of Transportation, Rochester Intermodal
Transportation Center

Transmitted herewith for your approval is legislation related to the Rochester Intermodal Transportation Center. This legislation will:

1. Establish \$500,000 as maximum compensation for an agreement with the New York State Department of Transportation (NYSDOT) for the Intermodal Transportation Center. The cost of the agreement will be financed from 2013-14 Cash Capital allocations.
2. Amend the 2013-14 Budget by transferring \$492,000 from Debt Service and \$8,000 from

Contingency to Cash Capital to fund the agreement with NYSDOT. In August 2013, the City issued bond anticipation notes rather than serial bonds, thereby negating the need for related interest payment in spring 2014, for which this amount had been reserved, and making it available for the current purpose.

Since February 2013, the NYSDOT has taken lead on administration of the project and, with authorization from the Federal Railroad Administration, is utilizing a design-build procurement project delivery system. The design-build contract is scheduled to be awarded in late fall 2013, and will include a Project Labor Agreement (PLA) with provisions for 20% Minority, 6.9% Woman, and 8.5% Disadvantaged Business participation. In support of these goals, the contract firm will provide \$20,000 to Rochester Careers in Construction, Inc. for recruiting and training minority and female workers.

The City's \$500,000 will fund the enhancement of public amenities planned for Phase I construction of the Transportation Center, including sidewalk upgrades, landscaping improvements, ADA upgrades, signage improvements, curb modifications, street lighting upgrades, and public art.

Upon final evaluation of the design-build proposals, NYSDOT will decide whether to move forward with implementation of Phase II. If sufficient funding is available within the overall project budget (\$23 million), Trailways, Inc. would be relocated from their temporary facility to permanent space within the Center. Other Phase II components include improvements to parking, sidewalks, circulation patterns, landscaping, lighting, and enhanced pedestrian connections on the southern parcels. Phase II improvements would require the abandonment of Central Avenue between Joseph and North Clinton Avenues, for which future Council approval would be required. In exchange for the abandonment, the City will seek the following concessions:

- Utility easements within the abandoned portion of Central Avenue
- Long-term parking leases within the southern parcels
- Abandonment of a former baggage tunnel under the City's right-of-way
- Sidewalk, landscaping and lighting improvements

It is anticipated that construction of the Phase I improvements will begin in fall 2013, and completed in summer 2015. The project will result in the creation/retention of the equivalent 250 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-380
(Int. No. 432)

Authorizing An Agreement For The Inter-modal Transportation Center And Amending The 2013-14 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 Transportation for the City share of the Intermodal Transportation Center.

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, shall be funded from the 2013-14 Cash Capital allocation.

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

Section 4. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$492,000 from Debt Service and \$8,000 from the Contingency allocation to the Cash Capital allocation.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-381
Re: 2012 Preventive Maintenance Transportation Improvement Project (Four Locations)

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

1. Appropriate \$290,000 in New York State Marchiselli Aid reimbursements to finance a portion of the local construction share of the project.
2. Amend Ordinance Nos. 2013-75 and 2013-249 to revise the source of funds for the \$275,000 authorized therein as maximum compensation for the agreement with Erdman Anthony Consulting Engineers for resident project representation (RPR) services. The amount of \$34,034 in funding from Bond Ordinance No. 2013-76 (as amended in Ord. No. 2013-250) will be replaced with the New York State Marchiselli Aid appropriated herein.
3. Amend Ordinance No. 2013-76 (as amended by Ord. No. 2013-250) to further reduce the amount of bonds authorized therein by

\$23,000 to a total of \$491,000.

This project will be completed in fall 2013, and includes milling and resurfacing, curb and sidewalk repair, pavement markings, and signal loops at four locations:

- Genesee Street
Brooks Avenue to West Main Street
- Northland Avenue
Ferncliffe Drive to Waring Road
- North Plymouth Avenue
Inner Loop to Lyell Avenue
- Buffalo Road
West City Line to Mt. Read Boulevard

Administration of the project for NYSDOT, design and RPR agreements, and funding appropriations were authorized in Ordinance Nos. 2012-28, 2012-82, 2013-75, 2013-76, 2013-249 and 2013-250.

When the funding for the project was authorized, State funding was not available; New York State has since approved Marchiselli Aid for the project. These funds will now be used to reduce the City share of project costs and enables the bonds authorized for the project to be reduced by the amount not yet borrowed (\$23,000).

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-381
(Int. No. 436)

Reducing The Amount Authorized In Bond Ordinance No. 2013-76, Amending Ordinance No. 2013-75 And Appropriating Funds For The 2012 Preventive Maintenance Transportation Improvement Project At Four Locations

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

Section 1. Bond Ordinance No. 2013-76, relating to the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations, as amended by Ordinance No. 2013-250, is hereby further amended by reducing the amount of authorized bonding by the sum of \$23,000, from \$514,000 to \$491,000. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,546,150. The plan of financing is revised to include the issuance of \$491,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,011,400 appropriated from Federal Highway Administration funds, \$23,000 from the funds appropriated in Section 3, and \$20,750 in current City funds.

Section 2. Ordinance No. 2013-75, as amended by Ordinance No. 2013-249, relating to an agreement for resident project representation services for the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations, is hereby further amended by amending the source of funding

in Section 1 by reducing the amount funded from Bond Ordinance No. 2013-76 as amended by Ordinance No. 2013-250, from \$91,000 to \$56,966, which reduction of \$34,034 shall now be funded from the appropriation made in Section 3.

Section 3. The sum of \$290,000 is hereby appropriated from funds to be received from the New York State Marchiselli Aid Program to finance the 2012 Preventive Maintenance Transportation Improvement Project at Four Locations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-382
Re: Official Map Amendment - Abandonment of Verona Street from Smith Street to Jay Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of Verona Street between Smith Street to Jay Street. The abandonment was referred to the necessary agencies for comment.

Rochester City School District has applied for the map amendment to incorporate the resulting property into a driveway for school buses as part of the School #5 improvements.

The City Planning Commission, in its September 16, 2013 meeting recommended approval of this abandonment by a vote of 5-0-0. Minutes of that meeting, along with the application, are attached.

The SEQR review for the abandonment was included in the overall review for the School Modernization Improvement Project.

A public hearing on the Official Map Amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-208

Ordinance No. 2013-382
(Int. No. 422)

Amending The Official Map By Abandonment Of A Portion Of Verona Street From Smith Street To Jay Street

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

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

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Rochester, County of Monroe and State of New York; and being more particularly bounded and described as follows:

Beginning at the intersection of the southeasterly street line of Smith Street (60' R.O.W.) with the southwesterly street line of Verona Street (20' R.O.W.);

Thence North 62° 51' 27" East along the said southeasterly street line of Smith Street, a distance of 20.00 feet to its intersection with the northeasterly street line of Verona Street;

Thence South 27° 15' 53" East along said northeasterly street line of Verona Street, a distance of 594.17 feet to its intersection with the northwesterly street line of Jay Street (60' R.O.W.);

Thence South 62° 51' 52" West along said northwesterly street line of Jay Street a distance of 20.00 feet to its intersection with the southwesterly street line of Verona Street;

Thence North 27° 15' 53" West along said southwesterly street line of Verona Street, a distance of 594.17 feet to the Point of Beginning, containing 0.273 acres more or less.

Being intending to describe that portion of Verona Street which lies between Smith Street on the northwest and Jay Street on the southeast.

Section 2. The abandonment authorized herein shall take effect upon the compliance by the applicant with the conditions established by the City Planning Commission in its recommendations of September 16, 2013.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-383
Re: Official Map Amendment - Dedication Of Elm Street and Cortland Street

Transmitted herewith for your approval is legislation amending the Official Map by dedicating the extension of the Elm Street right of way from its current western terminus to S. Clinton Avenue, and establish Cortland Street in its approximate former location from E. Main Street to the proposed Elm Street extension. The dedication was referred to the necessary agencies for comment.

The City of Rochester has applied for the map

amendment to facilitate the Midtown Redevelopment Plan.

The City Planning Commission, in its October 21, 2013 meeting recommended approval of this dedication by a vote of 5-0-0. Minutes of that meeting, along with the application, are attached.

The Midtown Redevelopment Project Environmental Impact Statement was finalized in March 2009. The Findings are attached for reference.

A public hearing on the Official Map Amendment is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-209

Ordinance No. 2013-383
(Int. No. 423)

Amending The Official Map By Dedicating Cortland Street And An Extension Of Elm Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes, and naming said street Cortland Street:

Beginning at a point in the Southerly Right of Way for East Main Street, said point being 147.44 feet Westerly as measured along said Southerly Right of Way from its intersection with the Westerly Right of Way for Euclid Street; thence

- 1) S 18°55'23" E a distance of 412.03 feet to a point; thence
- 2) S 71°38'31" W a distance of 66.00 feet to a point; thence
- 3) N 18°55'23" W a distance of 413.02 feet to a point in the Southerly Right of Way for East Main Street; thence
- 4) N 72°29'59" E along said Southerly Right of Way a distance of 66.02 feet to the POINT OF BEGINNING.

The above described parcel contains 0.625 acres (27,227 sq. ft.).

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 Elm Street:

Beginning at a point in the Easterly Right of Way for South Clinton Avenue, said point being

280.46 feet Northerly as measured along said Easterly Right of Way from its intersection with the Northerly Right of Way for East Broad Street; thence

- 1) N 72°17'24" E a distance of 198.42 feet to a point; thence
- 2) N 71°38'32" E a distance of 175.88 feet to a point of curvature; thence
- 3) along an arc to the right a distance of 141.67 feet to a point, said arc having a radius of 183.00 feet and a chord of which is S 86°10'45" E a distance of 138.16; thence
- 4) S 64°00'03" E a distance of 59.38 feet to a point in the Westerly Right of Way for Atlas Street; thence
- 5) S 18°18'59" W along said Westerly Right of Way a distance of 40.85 feet to a point; thence
- 6) S 7°11'01" E continuing along said Westerly Right of Way a distance of 30.48 feet to a point; thence
- 7) N 64°00'03" W a distance of 81.53 feet to a point of curvature; thence
- 8) along an arc to the left a distance of 90.58 feet to a point, said arc having a radius of 117.00 feet and a chord of which is N 86°10'45" W a distance of 88.33 feet; thence
- 9) S 71°38'32" W a distance of 179.98 feet to a point; thence
- 10) S 72°20'24" W a distance of 48.00 feet to a point; thence
- 11) S 72°17'24" W a distance of 146.39 feet to a point in the Easterly Right of Way for South Clinton Avenue; thence
- 12) N 18°17'49" W along said Easterly Right of Way a distance of 66.00 feet to the POINT OF BEGINNING.

The above described parcel contains 0.844 acres (36,753 sq. ft.).

Section 3. The dedications authorized herein shall take effect upon the compliance by the applicant with the conditions established by the City Planning Commission in its recommendations of October 21, 2013.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
November 19, 2013

To the Council:

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

Int. No. 425 - Authorizing Agreements For The HEART Coalition For A Drug-Free Rochester Program

Int. No. 426 - Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2013-14 Budget

Int. No. 427 - Authorizing Agreements For Funding For The STOP DWI Programs And Amending The 2013-14 Budget

Int. No. 428 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Code Training

Int. No. 430 - Authorizing An Agreement For A Firefighters Grant And Amending The 2013-14 Budget

Int. No. 431 - Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program

Int. No. 435 - Amending Ordinance No. 2013-210 And The 2013-14 Budget With Respect To Professional Services Agreements For Veterinary Services

The following entitled legislation is being held in Committee:

Int. No. 424 - Amending Chapter 79 Of The Municipal Code, Parks Code, With Respect To Smoking

Respectfully submitted,
Adam C. McFadden
Matt Haag
Loretta C. Scott
Lovely A. Warren
Dana K. Miller
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-384
Re: Agreements - HEART Coalition

Transmitted herewith for your approval is legislation related to a US Department of Health and Human Services Substance Abuse and Mental Health Services Administration grant project, the HEART Coalition for A Drug-Free Rochester. This legislation will:

- 1. Authorize an agreement with the US Department of Health and Human Services for the receipt and use of a \$125,000 grant for implementation of services provided by the HEART Coalition for a Drug-Free Rochester.

This amount was anticipated and included in the 2013-14 Budget of the Department of Recreation and Youth Services.

- 2. Establish \$36,605 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 oversee community needs assessment and social marketing from December 1, 2013 to September 29, 2014. The cost of this agreement will be funded from the 2013-14 DRYS Budget.

The remaining \$88,395 of the grant will be used to fund personnel, supplies, a program evaluation consultant and travel costs related to grant projects.

The HEART Coalition, a collaboration with MCTP, was originally funded by a five-year grant from the US Department of Health and Human Services Substance Abuse and Mental Health Services Administration for approximately \$100,000 annually from 2005 through 2010. Based on the results of the first grant cycle, the City and its partners were awarded a second, five-year cycle of funding for approximately \$125,000 annually from September 30, 2010 until September 29, 2015. The receipt and use of grant funds was most recently authorized by Ord. No. 2012-378.

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. AM-210

Ordinance No. 2013-384
(Int. No. 425)

Authorizing Agreements For The HEART Coalition For A Drug-Free Rochester Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration for funding for the HEART Coalition for a Drug-Free Rochester Program.

Section 2. The sum of \$36,605, or so 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 2013-14 Budget of the Department of Recreation and Youth Services.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-385
Re: Agreement - New York State Division
Of Homeland Security and Emergency
Services - 2013 Bomb Squad Initiative
Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Homeland Security and Emergency Services for the receipt and use of the \$112,500 2013 Bomb Squad Initiative Grant, and amending the 2013-14 Police Department budget by \$32,300 to reflect the use of a portion of these funds.

This grant, which has been received for over ten years, is used to purchase equipment and training necessary for the Bomb Squad's continual improvement to incident responses. The 2011 and 2012 Bomb Squad grants provided funding that allowed for the purchase of a Wolverine Robot. The 2013 Grant will be used for training and the purchase of accessories to enhance the capabilities of this robot.

The term of this agreement is September 1, 2013 through August 31, 2015, and no match is required. The 2012 grant was appropriated on July 16, 2013 in Ordinance 2013-265.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-385
(Int. No. 426)

Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2013-14 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Homeland Security and Emergency Services for funding for the Rochester Police Department under the 2013 Bomb Squad Initiative Grant Program.

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

Section 3. The sum of \$112,500 is hereby appropriated from funds to be received under the 2013 Bomb Squad Initiative Grant Program to fund

training and accessories to enhance the capabilities of a bomb disposal robot.

Section 4. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$32,300, which amount shall be funded from the appropriation made in Section 3.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-386
Re: Agreements - Monroe County, 2014
STOP DWI Grants

Transmitted herewith for your approval is legislation authorizing agreements with Monroe County for the receipt and use of a total of \$140,000 in New York State funding under two grant programs, and amending the 2013-14 Budget of the Police Department by \$64,000 to reflect a portion of the funds. The remaining funds will be included in the proposed 2014-15 Budget.

2014 STOP DWI Program January 1 - December 31, 2014

The STOP DWI grant provides \$113,700 to the City for enhanced detection and enforcement of driving while intoxicated and related offenses for the 2014 calendar year. Supported activities include expenses for STOP DWI overtime details, supplies, equipment, training, breathalyzer calibration, and underage alcohol enforcement. As of September, in 2013, Rochester Police arrested 521 individuals for DWI and identified 178 persons with aggravated unlicensed operation of a vehicle.

The \$64,000 budget amendment includes \$45,000 from this grant to support activities anticipated for the current fiscal year.

2014 STOP DWI Foundation Crackdown Grant October 1, 2013 - September 30, 2014

The STOP DWI Crackdown grant, in an amount not to exceed \$26,300, is administered by the New York State Stop DWI Foundation and the Monroe County STOP DWI Program and will be used for eight STOP DWI crackdown details during the term of the grant. The funds will be used for overtime for police officers and, as necessary, for RPD experts to detect drug abuse in drivers. The 2013 grant (Ord. No. 2013-32), in the amount of \$17,280, funded six crackdown details.

The \$64,000 budget amendment includes \$19,000 from this grant to support activities anticipated for the current fiscal year.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-386
(Int. No. 427)

**Authorizing Agreements For Funding For
The STOP DWI Programs And Amending The
2013-14 Budget**

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

Section 1. The Mayor is hereby authorized to
enter into agreements with the County of Monroe
for funding under the 2014 STOP DWI Program
and the New York State 2014 STOP DWI Founda-
tion Crackdown Grant Program.

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

Section 3. Ordinance No. 2013-160, the 2013-
14 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 \$64,000, which
amount is hereby appropriated from funds to be
received under the grant agreements authorized
herein.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-387
Re: Amendatory Agreement - Peter Aiello,
Code Training for Fire Department Recruits

Transmitted herewith for your approval is legisla-
tion authorizing an amendatory agreement with
Peter Aiello for additional training for the January
2014 RFD recruit class. The original agreement
(Ordinance No. 2013-256) included \$13,200 as
maximum compensation for New York State Uni-
form Building and Fire Code and Code Compliance
Technician training. This amendment will increase
that amount by \$1,100 for a total of \$14,300. The
additional cost will be funded from the 2013-14
Budget of the Fire Department.

The current agreement provided training to certify
two internal instructors. However, their certifica-
tion for instruction will not be issued as of January
2014 when the next recruit class begins. Therefore,
additional services for training will be provided by
Mr. Aiello.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-387
(Int. No. 428)

**Establishing Maximum Compensation For
An Amendatory Professional Services Agree-**

ment For Code Training

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

Section 1. The sum of \$1,100, or so much the-
reof as may be necessary, is hereby established as
the compensation to be paid for an amendatory
professional services agreement between the City
and Peter Aiello for New York State Uniform Fire
and Building Code training for the Rochester Fire
Department. Said amount shall be funded from the
2013-14 Budget of the Rochester Fire Department.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-388
Re: 2012 Assistance to Firefighters Grant

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the Federal
Emergency Management Agency (FEMA) for the
receipt and use of a \$96,320 fire safety grant under
the Department of Homeland Security Assistance
to Firefighters Grant (AFG) Program, and amend-
ing the 2013-14 Budget by transferring \$17,500
from Contingency to the Fire Department to fund a
portion of related professional services.

AFG provides funding to Fire Departments to
increase the effectiveness of operations, new appa-
ratus, health and safety programs, emergency med-
ical service programs, and fire prevention and
safety programs.

Kitchen fires represent the majority of fires nation-
wide and in the City of Rochester. The AFG 2012
grant funds will be programmed to focus on the
reduction of the number of kitchen fires and to
improve fire safety awareness through a combina-
tion of outreach, safety education and distribution
of safety devices. This grant program will target
families in the Southwest quadrant of the city with
a focus on seniors and school age children. Colla-
boration with established human service agencies,
educational and community outreach organizations
in the Southwest quadrant will be a key component
of the RFD's strategy to maximize the number of
participants in the program and increase effective-
ness. Program evaluation will be built into each
component of the program, as will tracking of fire
incidents in the Southwest over the course of the
grant.

The grant budget, which includes the required City
20% match of \$24,080, is as follows:

Materials and supplies:	\$ 67,000
Smoke and CO detectors	
Stove safety knobs	
Fire safety education materials	
Overtime backfill:	18,000
Fringe benefits	6,600

Professional services/school program	28,800
Total	\$120,400

The City match is funded from the 2013-14 Undistributed (\$6,600) and RFD (\$17,500) Budgets.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-388
(Int. No. 430)

Authorizing An Agreement For A Firefighters Grant And Amending The 2013-14 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 Federal Emergency Management Agency for funding under the 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. The sum of \$96,320 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the Program.

Section 4. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$17,500 from the Contingency allocation to the Rochester Fire Department.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-389
Re: Agreements - Comprehensive Adolescent Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Comprehensive Adolescent Pregnancy Prevention Grant. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of a \$546,036 grant for the program.
2. Establish maximum compensation for agreements with the following organizations to provide related services. The cost of these agreements will be funded from the grant appropriated herein.

Highland Family Planning	\$ 46,470
Baden Street Settlement/Metro Council for Teen Potential	63,542
YWCA of Rochester and Monroe County	50,559

Society for the Protection and Care of Children	54,461
Family Resource Center of Crestwood Children's Center	12,574
Total	\$227,606

A portion of the balance of the grant, \$206,400, was included in the 2013-14 Budget of the Department of Recreation and Youth Services to cover personnel costs and benefits for one part-time and three full-time employees.

The remaining \$112,030 will be included in the City's Teenage Pregnancy Prevention Special Revenue Fund and will be used to reimburse non-personnel City costs. Of that amount, \$50,000 is provided by the grant for City back-office operation expenses (indirect costs); the remaining \$62,030 will cover program expenses, including all supplies. A detailed breakdown is provided in the attached program budget.

The program was approved by the New York State Department of Health for a five year term, January 1, 2011 - December 31, 2015. This will be year four of the five-year grant. The grant was last authorized by Ord. No. 2012-477.

The goal of this program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to:

- Implement evidence-based curricula in the Rochester City School District
- Reduce adolescent pregnancy rates in the City of Rochester
- Improve high school graduation rates in the City of Rochester

The program information sheet and budget are attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-211

Ordinance No. 2013-389
(Int. No. 431)

Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the receipt and use of funding for the operation of the 2014 Comprehensive Adolescent Pregnancy Prevention Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, for

services under the Comprehensive Adolescent Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
U. of R. Medical Center/Highland Family Planning	\$46,470
Baden Street Settlement/Metro Council for Youth Potential	63,542
YWCA of Rochester and Monroe County	50,559
Society for the Protection and Care of Children	54,461
Family Resource Center of Crestwood Children's Center	12,574

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$227,606, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health under the grant agreement authorized herein. Grant funds in the amount of \$112,030 are hereby appropriated to the Teenage Pregnancy Special Revenue Fund to pay for non-personnel and indirect expenses relating to the Program.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

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

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-390
Re: Budget Amendment - ASPCA Grant,
And Amendatory Agreement for Veterinary Services

Transmitted for your approval is legislation related to veterinary services for the Rochester Police Department Animal Services for 2013-14. This legislation will:

1. Amend the 2013-14 Budget of the Police Department by \$7,100 to reflect the carryover of a portion of ASPCA grant funds. The ASPCA Payroll Support for Low-Income Spay/Neuter Program grant for \$62,500 was included in the 2012-13 Budget. However, personnel costs were lower than anticipated. The unused funds will supplement personnel costs during the current fiscal year.

2. Appropriate an additional \$11,570 from the Animal Control Gifts Fund for veterinary services for 2013-14. Ordinance No. 2013-210 previously appropriated \$9,000 for this purpose.

3. Amend Ordinance No. 2013-210, which authorized \$49,390 as aggregate maximum compensation for term agreements for veterinary services to:

- a. Increase the amount of maximum aggregate compensation by \$28,310 for a new total of \$77,700; and
- b. Revise the source of funds for this amount as follows:

2013-14 Budget of the RPD	\$57,130 (includes the \$7,100 as above)
Animal Control Gifts Fund	<u>20,570</u> (includes the \$11,570 appropriated herein)
	\$77,700

The additional funds will enable an increased number of spay/neuter surgeries and will cover the cost of additional contract veterinary services required as the result of an approved, paid absence of the on-site veterinarian. This may result in one or more of the term agreements to exceed \$10,000.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-390
(Int. No. 435)

Amending Ordinance No. 2013-210 And The 2013-14 Budget With Respect To Professional Services Agreements For Veterinary Services

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

Section 1. Ordinance No. 2013-210, relating to the compensation to be paid for professional services agreements for the provision of veterinary services for the Animal Services Shelter, is hereby amended by increasing the maximum amount from \$49,390 to \$77,700. Said ordinance is further amended to provide that of said amount, \$57,130 shall be funded from the 2013-14 Budget of the Rochester Police Department and \$11,570 is hereby appropriated from the Animal Control Gifts Fund, and \$9,000 shall be funded from the appropriation from the Animal Control Gifts Fund in Ordinance No. 2013-210.

Section 2. Ordinance No. 2013-160, the 2013-14 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 \$7,100, which amount is hereby reappropriated from funds from the American Society for the Prevention of Cruelty to Animals for the Low-Income Spay/Neuter Program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 424
Re: Amending the Municipal Code -
Chapter 79, Parks Code, Smoke-Free
Parks

Transmitted herewith for your approval is legislation amending Chapter 79 (Parks Code) of the Municipal Code to prohibit smoking in all City-operated parks.

Research has shown that there is no safe level of exposure to secondhand smoke. Even outdoors, a person can be exposed to secondhand smoke within 25 feet of the source. Given their smaller lung size, children are exposed to 50% more air pollution than adults, and as reported by the American Poison Control Center, over 5,400 children in 2008 were poisoned by ingesting cigarette butts, which are the most common form of litter in the city.

Cigarette butts have also been found in the stomachs of fish, birds and other marine animals. When discarded in waterways, in less than an hour, cigarette butts can begin leaching chemicals such as cadmium, lead and arsenic into the environment.

Recent New York State legislation has addressed smoking in outdoor public spaces, but it is limited to areas within 100 feet of public buildings and playgrounds during daylight hours. Pursuant to Public Health Law, the City is empowered to adopt stricter regulations for City property. The amendment proposed herein will establish a simple and concise system of entirely smoke-free parks that will help protect the health of all park users and the environmental integrity of our parks, green spaces, and adjacent waterways. The scope of the proposed amendment will also allow for clear applicability and communication of the restrictions with the public.

These new restrictions will be promoted through signage, community education, and public announcements. It is anticipated that this new regulation will be self-enforced and will not require extensive City resources.

Respectfully submitted,
Thomas S. Richards
Mayor

Introductory No. 424

AMENDING CHAPTER 79 OF THE MUNICIPAL CODE, PARKS CODE, WITH RESPECT TO SMOKING

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

Section 1. Section 79-1 of the Municipal Code,

Short title; definitions, is hereby amended by adding to the end of subsection B the following new definition:

SMOKING - The burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

Section 2. There is hereby added to Chapter 79 of the Municipal Code, Parks Code, the following new Section 79-6:

Section 79-6. Smoking.

Smoking shall not be permitted and no person shall smoke in a park.

Section 3. This ordinance shall take effect on January 1, 2014.

Held in Committee

The meeting was adjourned at 7:51 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
DECEMBER 17, 2013**

Present - President Miller, Councilmembers Conklin, Haag, McFadden, Ortiz, Palumbo, Scott, Spaul - 8

Absent - None - 0.

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

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

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Robert P. Barthel
 - *William S. Gillan
 - *Daniel L. Glanton
 - Law Department
 - Jeff Eichner
 - Mayor's Office
 - Darryl W. Porter
 - Fire Department
 - *Clayton A. Eckerd
 - Salvatore Mitrano III
 - Police Department
 - *Gerald G. Smith
 - James M. Sheppard
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of November 19, 2013 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 4127-13
 - Quarterly Report - Schedule of Revenues & Expenditures 4128-13
- The Council submits Disclosure of Interest Forms from Councilmember Haag on Int. No. 464 and Councilmember Spaul on Int. No. 447.

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 Chapter 120 Of The Municipal Code, The Zoning Code, Relating To The Grove Place District Int. No. 453 4 speakers: Suzanne Mayer, Ed Sapher, Nancy Martin, Mary Stewart.

Changing The Zoning Classification Of Parcels In The Grove Place District From Center City District Grove Place (CCD-G), And 3 Grove Place From Center City District Main Street (CCD-M), To Center City District Grove Place-Residential (CCD-GR) Int. No. 454 7 speakers: Rick McGrater, Tom Fink, Barbara Weiger, Mr. Fenser, Dennis Wright, Jim Martin, Bob DiPaola.

Approving An Increase In The Pavement Width Of Brentwood Street Int. No. 461 No speakers

Approving Changes In The Pavement Width Of Joseph Avenue At Its Kelly Street Intersection Int. No. 463 No Speakers

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL Ladies and Gentlemen:

Resolution No. 2013-20 Re: Appointment to City Council - Michael A. Patterson

Transmitted herewith for your approval is legislation appointing Michael A. Patterson to fill the term of former Northeast District Councilmember Lovely A. Warren through December 31, 2014. The seat became vacant when Mayor-elect Lovely A. Warren resigned effective November 22, 2013 in order to prepare for her new role as Mayor of the City of Rochester. The City Charter in Section 5-4 requires that the Council fill any vacancy of the

Council within thirty days of that vacancy.

Subsequent to the resignation, Council began a process to identify and interview candidates. That process was completed last week, and Mr. Patterson has emerged as the consensus candidate of the Council. Mr. Patterson currently serves the residents of the City of Rochester as Member of the Monroe County Legislature serving as the representative for Legislative District 29.

We look forward to his immediate and effective participation on the City Council.

Respectfully submitted, Dana K. Miller Acting President

Resolution No. 2013-20 Int. No. 482)

Resolution Approving Appointment To City Council

WHEREAS, Lovely A. Warren has resigned from City Council effective November 22, 2013; and

WHEREAS, the City Charter requires that City Council fill a vacancy on the Council within 30 days of the vacancy; and

WHEREAS, the City Council has reviewed the qualifications of the various candidates who have expressed an interest in filling the vacant seat; and

WHEREAS, Michael A. Patterson meets the qualifications for appointment to the seat and has demonstrated to the Council the talents and abilities required to serve as a City Councilmember for the Northeast District.

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

Section 1. Michael A. Patterson is hereby appointed to fill the term of Northeast District Councilmember Lovely A. Warren through December 31, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin December 17, 2013

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 440 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 441 - Reducing The Amount Authorized In Bond Ordinances No. 2011-67 And 2012-30

Int. No. 442 - Appropriating Funds For Library Construction Projects, As Amended

Int. No. 443 - Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 444 - Authorizing An Amendatory Agreement For Employee Training

Int. No. 466 - Authorizing An Amendatory Agreement For Elevator Inspection Services

Int. No. 467 - Approving The 2013-14 Debt Resolution For The City School District

Int. No. 468 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$14,962,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Int. No. 472 - Authorizing The Bulk Sale Of Delinquent Tax Liens

Int. No. 473 - Local Law Amending The City Charter With Respect To The Salary Of The Mayor

Int. No. 474 - Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

Int. No. 476 - Continuing Ordinance No. 2013-118, Amending Chapter 62 Of The Municipal Code Relating To A Pilot Program For Food Trucks

Int. No. 477 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Services

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Loretta C. Scott
Dana K. Miller
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-391
Re: Authorization - 2014 Administrative
Tax Cancellations and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes, charges and fees up to \$1,000 per account during calendar year 2014.

Each year, approximately 63,000 tax bills are issued by the City. In 2012-13 these bills contained a total of \$226,270,537 in City and School taxes, charges and fees, and delinquencies. Of that

amount, taxes and charges totaling \$1,101,283, or 0.49%, of the total billed amount were subsequently determined to be erroneous and were canceled. These cancellations involved 258 accounts or 0.41% of the total number.

Pursuant to Section 556 of the N.Y.S. Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. And, under Chapter 515 of the Laws of 1997, the State allows administrative cancellations of up to \$2,500 per account.

Delegation of authority was initially approved by the Council in March 1987. Annual authorization is required. In December 2012, Council re-authorized the Director of Finance to cancel up to \$1,000 per account. Such delegation reduces the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

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

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-391
(Int. No. 440)

Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

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

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2014.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-392
Re: Rescinding Authorization of Previous Bonds

Transmitted herewith for your approval is legislation amending previous ordinances to reduce the amount of bonds authorized therein, as follows:

<u>Ordinance</u>	<u>Original Authorization</u>	<u>Amount to Deauthorize</u>
2011-067	\$197,000	\$11,800
Water - Oakwood Rd Reconstruction		
2012-030	\$82,000	\$2,000
Water - Safe Routes to Schools		

The actual costs of these two projects were less than originally estimated, and these amounts are no longer needed. The amounts to deauthorize are the unissued amounts remaining on the original bond authorizations and were provided to the Finance Director by the Department of Environmental Services. Deauthorizing these amounts will allow funds to be allocated toward future projects, and thereby remain within the annual debt limits established by City Council.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-392
(Int. No. 441)

Reducing The Amount Authorized In Bond Ordinances No. 2011-67 And 2012-30

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

Section 1. Bond Ordinance No. 2011-67, relating to the reconstruction of water mains as a part of the Oakwood Road Reconstruction Project, is hereby amended by reducing the amount of authorized bonding and the total estimated maximum cost of said specific object or purpose by the sum of \$11,800, from \$197,000 to \$185,200.

Section 2. Bond Ordinance No. 2012-30, relating to the reconstruction of water mains as a part of the Safe Routes to Schools Project, is hereby amended by reducing the amount of authorized bonding by the sum of \$2,000, from \$82,000 to \$80,000. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$411,810. The plan of financing includes the issuance of \$80,000 bonds of the City, together with the application of \$297,170 appropriated from Federal funds and \$34,640 in current City funds.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-393
Re: New York State Education Department Library Development Construction Grant

Transmitted herewith for your approval is legislation appropriating a total of \$213,425 in a grant from the New York State Education Department, Division of Library Development for energy efficiency upgrades at the Arnett Branch Library and HVAC upgrades in the Bausch & Lomb Building of the Central Library.

Each year, the Monroe County Library System is allocated state funds for library construction projects that are allocated on a competitive basis within the system. The 2013-14 Library budget included anticipated grant revenue from this program for exterior and HVAC repairs to the Wheatley branch, with a 75% state funding match.

Deferred projects from other member libraries resulted in this additional award to RPL for other existing capital projects undertaken by the Department of Environmental Services. The required matching funds for these projects will be funded from prior years' Cash Capital. Funding is summarized below:

<u>Project</u>	<u>Total Cost</u>	<u>State</u>	<u>City Match</u>
Arnett	\$154,000	\$115,875	\$38,125 (25%)
Central	\$195,100	\$97,550	\$97,550 (50%)

The RPL Board of Trustees authorized an agreement with the New York State Education Department for the receipt of this grant at their September 25, 2013 meeting.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-393
(Int. No. 442, As Amended)

Appropriating Funds For Library Construction Projects

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

Section 1. The sum of \$115,875 is hereby appropriated from grant funds from the New York State Education Department, Division of Library Development, to fund energy efficiency upgrades at the Arnett Branch Library Central Library Media Center construction.

Section 2. The sum of \$97,550 is hereby appro-

priated from grant funds from the New York State Education Department, Division of Library Development, to fund HVAC upgrades at the Bausch & Lomb Library Building.

Section 3. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-394
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 2013-14 Budget of the Bureau of Communications.

The RPO will provide two full orchestra concerts similar to those provided annually since 1987 under comparable agreements. The first concert will take place in Kodak Hall at the Eastman Theatre in the first quarter of 2014. This concert will focus on community involvement and give amateur musicians, including students, from the Rochester area an opportunity to perform with the orchestra. This concert will be free to the public with a suggested donation of \$5 per ticket. The date will be determined based on availability of Kodak Hall. Ticket revenue will be used to defray production costs of the theatre.

The second concert will feature the RPO on Main Street for a free performance during the City's 2014 July 4 Celebration.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-394
(Int. No. 443)

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 2013-14 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-395
Re: Amendatory Agreement - Bryant and Stratton College, Supervisory Skills Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bryant and Stratton College for the continued design and delivery of a training program for City employees. The original agreement was authorized via Ordinance No. 2012-4. This amendment will extend the term for an additional two years through June 30, 2016 and increase maximum compensation by \$66,250, for a total of \$144,250. The additional annual cost of \$33,125 will be funded equally from the 2014-15 and 2015-16 Undistributed Budgets, contingent upon their approval.

Since 2012, the City, with Bryant & Stratton Professional Services Center, has successfully completed five Leadership Skills for Supervisors programs for 120 City front-line supervisory level employees. This extension will enable six additional programs, which will ensure the participation of all remaining individuals with supervisory authority, as well as any newly promoted supervisory staff. In addition, ongoing support through quarterly networking programs and supplemental topics will be offered. The City will also continue to have access to a full range of professional programs provided by Bryant & Stratton College.

This proposal will enable another six supervisor programs and up to twelve related development events over the next two years.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-395
(Int. No. 444)

Authorizing An Amendatory Agreement For Employee Training

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 Bryant and Stratton College for the continued design and delivery of training for City employees through June 30, 2016.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$66,250, and of said amount, or so much thereof as may be necessary, \$33,125 shall be funded from each of the 2014-15 and 2015-16 Budgets for Undistributed Expense, contingent upon the adoption of said 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. 2013-396
Re: Amendatory Agreement, American
Loss Prevention Services, Inc., Elevator
Inspection Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with American Loss Prevention Services, Inc. (ALS) for additional elevator inspection services for City-owned conveyances. The original agreement for \$7,500 was executed in December 2012. This amendment will increase maximum compensation to an annual amount of \$18,000. The term of the contract will be extended for one year, with an option to renew for one additional year. The annual cost for services will be funded from the Budgets of the Parking Bureau and the Department of Environmental Services, as needed.

All elevators and similar conveyances are required to be inspected periodically; until 2012, the City employed a full-time staff member to inspect City-owned conveyances. When the City originally contracted with ALS, it was anticipated that they would be needed only for inspection of elevators in the parking garages, and a part-time staff member would conduct all other inspections of City-owned elevators. However, additional staffing changes have resulted in the need to contract for these services for all City elevators.

American Loss Prevention Services, Inc. was selected in 2012 through a request for proposal process described in the attached summary.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-212

Ordinance No. 2013-396
(Int. No. 466)

Authorizing An Amendatory Agreement For Elevator Inspection Services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with American Loss Prevention Services, Inc. for the provision of elevator inspection services for City-owned conveyances for an additional period of one year, with a one-year renewal option.

Section 2. The agreement shall obligate the City

of Rochester to pay an amount not to exceed \$18,000 annually for such services, and said amount, or so much thereof as may be necessary, shall be funded from the 2013-14 and subsequent Budgets of the Departments overseeing conveyances, 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:

Resolution No. 2013-21 and
Ordinance No. 2013-397
Re: Capital Improvement Program - City
School District

Transmitted herewith for your approval is legislation related to the Capital Improvement Program of the Rochester City School District. This legislation will:

1. Establish \$14,962,000 as the maximum amount of debt to be authorized for the 2013-14 fiscal year for the RCSD.
2. Authorize the issuance of bonds for \$14,962,000 and the appropriation of the proceeds thereof for capital improvements to existing school buildings in the District.

By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed for that year. During fiscal year 2013-14 the RCSD will liquidate \$14,962,000 in principal. *Attachment A* is a projection of the School District debt to be repaid over the current and next four fiscal years.

For cities with dependent school districts, the New York State Constitutional Debt Limit is established at 9.0% of the 5-year average full valuation. As specified in the City Charter, Rochester splits this limit into 5.5% for the City and 3.5% for the School District. This split provides the District with a remaining borrowing capacity of \$26,300,677 (*Attachment B*).

Attachment C is a letter from the School District detailing the planned uses of the new bonds and a copy of the Board of Education Resolution No. 2013-14: 331 approving the capital plan at its November 21, 2013 meeting.

The New York State Education Department, by letter dated November 18, 2013, has confirmed the RCSD has met the Maintenance of Effort (MOE) requirement for 2013-14. When the City issues this debt the repayments will be structured to the extent possible to continue meeting the MOE requirements, while remaining within the constraints of

Local Finance Law.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-213

Resolution No. 2013-21
(Int. No. 467)

**Approving The 2013-14 Debt Resolution For
The City School District**

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

WHEREAS, an important component of the City
School District's expense budget and tax levy is
debt service; and

WHEREAS, the amount of debt outstanding is
one of the major factors evaluated by credit agen-
cies 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 2013-14 to \$14,962,000,
which is less than the amount of debt to be re-
deemed in fiscal year 2013-14.

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 appro-
priated 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 obliga-
tions 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 fore-
seen and, if not approved, would result in an ob-
vious 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 poli-
cy, each separate request for authorized debt shall
be accompanied by a report in which the amount of

debt actually authorized is compared to the amount
of debt herein established as a limit.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2013-397
(Int. No. 468)

**Bond Ordinance Of The City Of Rochester,
New York, Authorizing The Issuance Of
\$14,962,000 Bonds Of Said City To Finance The
Cost Of Construction And Renovation Of Vari-
ous 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 con-
struction and renovation of various public school
buildings within the City in accordance with a list
on file with the Director of Finance. The estimated
maximum cost of said specific object or purpose,
including preliminary costs and costs incidental
thereto and the financing thereof, is \$14,962,000,
and said amount is hereby appropriated therefor.
The plan of financing includes the issuance of
\$14,962,000 bonds of the City, and the levy and
collection of an ad valorem tax on all the taxable
real property in the City without limitation as to
rate or amount, sufficient to pay the principal of
said bonds and the interest thereon as the same
shall become due and payable.

Section 2. Bonds of the City in the principal
amount of \$14,962,000 are hereby authorized to be
issued pursuant to the Constitution and laws of the
State of New York, including the provisions of the
Local Finance Law, constituting Chapter 33-a of
the Consolidated Laws of the State of New York
(herein called the "Law"), this Ordinance, and other
proceedings and determinations related thereto.

Section 3. The City intends to finance, on an
interim basis, the costs or a portion of the costs of
said improvements for which bonds are herein
authorized, which costs are reasonably expected to
be reimbursed with the proceeds of debt to be in-
curred by the City, pursuant to this Ordinance, in
the amount of \$14,962,000. 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 limita-
tions 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.

Councilmember Conklin moved to amend Int. No. 472.

The motion was seconded by Councilmember Palumbo.

The motion was adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-398
Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing the sale of 2012-13 and prior delinquent tax liens, in bulk, to American Tax Funding, LLC (ATF).

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379 authorized three lien sales with the option for two subsequent sales. The table below summarizes the results of the five previous sales.

Sale Date	# of liens	# of parcels	Original Value (principal + interest)	Sale Price	% of Original Value
Feb 2009	5,675	3,327	\$13,976,777	\$6,036,829	43.19
Sept 2009	5,444	4,864	\$11,443,795	\$4,981,986	43.53
Dec 2010	5,249	4,780	\$10,999,275	\$5,342,778	48.57
Feb 2012	4,580	4,274	\$10,336,100	\$4,578,407	44.30
Feb 2013	4,616	4,405	\$9,966,089	\$4,524,150	45.40

For purposes of this contract, the City classifies liens into one of three categories, as follows:

- New Liens
Liens on properties for which ATF has not previously purchased any liens
- Unsettled Liens
Liens on properties for which ATF had previously purchased liens that are still open
- Settled Liens
New liens on properties for which any previous liens sold to ATF were settled

Under the five previous agreements, ATF was granted a right of first refusal, through the 2017 delinquent tax year, on New and Unsettled Liens; ATF does not have a right of first refusal on Settled Liens.

In August 2013, the City issued a request for proposals (RFP) for the bulk purchase of tax liens. The RFP was sent directly to eighteen organizations; two proposals were received. Both proposals were deemed by the City's Tax Lien Selection Committee to be inadequate based on the City's tax collection performance and recent policy changes adopted as a result of the study conducted by the Center for Community Progress and in light of the newly formed Land Bank. Given the lack of adequate proposals generated by the RFP, the City asked ATF under its right of first refusal to submit a proposal for Unsettled and New Liens.

For this year, based on a bulk lien sale list having an aggregate lien amount of \$16,279,613, ATF has proposed to purchase a pool of high value Unsettled Liens having a value of \$5,115,134, at a price of \$3,034,067, representing 59.32% of the original lien amount. ATF has also proposed to purchase a pool of high value New Liens having a value of \$3,064,722, at a price of \$2,320,945, representing 75.73% of the original lien amount.

In the aggregate, ATF is offering \$5,355,012, or 65.47%, of the original lien amount of \$8,179,856 for these two lien pools encompassing 3,897 liens on 3,714 parcels.

The City would retain the pool of Settled Liens and Low Value New and Unsettled Liens (3,533 of 7,247 properties) subject to City collection and foreclosure activity.

In addition, the City is removing approximately 1,034 parcels for the City's 2013 foreclosure action to commence in December 2013. Based on this, ATF's offer, net of the foreclosure property removal, is estimated to yield \$4,961,229 against a lien pool of \$7,563,580, or 65.99%. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens finally sold.

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

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

This agreement will have a term of one year. Subsequent tax lien sales are subject to City Council approval.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-214

Ordinance No. 2013-398
(Int. No. 472, As Amended)

Authorizing The Bulk Sale Of Delinquent Tax Liens

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

Section 1. Pursuant to the agreement between the City and American Tax Funding, LLC (ATF) for the bulk sale of delinquent tax liens, the Council hereby approves the bulk sale of this year's tax liens which are categorized by the City Treasurer as unsettled liens and new liens.

Section 2. The agreement shall obligate ATF to pay to the City an amount based upon the ATF offer of 59.32% for delinquent tax liens valued as of October 23, 2013 in the high value unsettled lien category, and 75.73% for delinquent tax liens valued as of October 23, 2013 in the high value new lien category, as adjusted to reflect changes to the delinquent tax liens which are finally sold.

Section 3. The agreement shall further obligate ATF to pay to the City the full redemptive value of \$103,199.78 for 31 liens on properties for which ATF holds prior unpaid liens, said amount to be adjusted to reflect redemptions and interest to the date of closing.

Section ~~3~~ 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4 ~~5~~. This ordinance shall take effect immediately.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1 and
Local Law No. 2
Re: Salary Adjustments

Transmitted herewith for your approval is legislation involving the salaries of the Mayor and City Council. As you are aware, Section 2-12 of the City Charter requires that the City Council establish

the salary of the Mayor.

Since 1989, the City Council has used the approach of setting a salary level for the Mayor in the first year of each term and stipulating annual cost of living adjustments (COLAs), with a specific cap on such increases. It has been the intent of this approach that the COLAs would generally protect the salary from erosion by inflation, while the cap would protect the taxpayer from any spikes that might occur in the Consumer Price Index (CPI).

As has been the City Council's practice for over twenty years, the Mayor's current salary will remain frozen in 2014 at the 2013 rate and, in January of 2015, 2016 and 2017, that salary would be adjusted to reflect any changes in the CPI-Urban during the previous year, with an annual cap of 3% on such adjustments. The second piece of legislation also freezes the Council salary in 2014 and then re-establishes the same long-standing cost of living formula for the Council.

Legislation was adopted in 2008 allowing for the Mayor or any Councilmember to decline any scheduled salary increase.

Respectfully submitted,
Carolee A. Conklin
Chair, Finance Committee
Councilmember-at-Large

Local Law No. 1
(Int. No. 473)

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

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Subsection A of Section 3-3.1, Salary of the Mayor, to read in its entirety as follows:

A. The annual salary of the Mayor is One Hundred Forty Thousand, Eight Hundred Sixty-One Dollars (\$140,861).

Section 2. Section 3-3.1, Salary of the Mayor, is hereby further amended by amending Subsection C to read in its entirety as follows:

C. On January 1 of 2015, 2016, and 2017, the annual salary of the Mayor shall be increased by the same percentage, if any, that the Consumer Price Index - Urban has increased during the most recent twelve-month period prior to January 1 for which such Index has been published, except that no such annual increase shall exceed three percent (3%).

Section 3. Section 1 of this local law shall take effect immediately. Section 2 of this local law shall take effect 45 days after the date of its adoption.

Passed unanimously.

Local Law No. 2
(Int. No. 474)

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

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 5-2 thereof, relating to members of the Council, by amending the third to last and second to last sentences of said Section to read in their entirety as follows:

The annual salary of each member of Council is Thirty-Three Thousand, Eight Hundred Dollars (\$33,800). On January 1 of 2015, 2016 and 2017, such annual salary shall be increased by the same percentage, if any, that the Consumer Price Index - Urban has increased during the most recent twelve-month period prior to January 1 for which such Index has been published, except that no such increase shall exceed an annual rate of three percent (3%).

Section 2. This local law shall take effect 45 days after the date of its adoption.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-399
Re: Continuing Ord. 2013-118, Amending Chapter 62 of the Municipal Code

Transmitted herewith for your approval is legislation continuing Ordinance No. 2013-118, Amending Chapter 62 of the Municipal Code Relating to A Pilot Program For Food Trucks. As you are aware, City Council approved the creation of a truck vending pilot program in downtown Rochester through the end of December, 2013. As required by Ordinance 2013-118, a report is to be submitted to Council at the end of 2013 that evaluates the program and makes suggestions for the future.

In order to allow time for the Council and the new Administration to review the report, and consider an expanded version of truck vending in Rochester, it is recommended that the licenses of the current pilot program vendors be extended until March 31, 2014. The ten pilot program vendors will be expected to maintain the required insurance and Monroe County health permit.

Respectfully submitted,
Carolee A. Conklin
Chair, Finance Committee

Ordinance No. 2013-399
(Int. No. 476)

Ordinance No. 2013-400
(Int. No. 477)

Continuing Ordinance No. 2013-118, Amending Chapter 62 Of The Municipal Code Relating To A Pilot Program For Food Trucks

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

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

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

Section 1. Ordinance No. 2013-118, amending Chapter 62 of the Municipal Code, Commercial Travelers, Solicitors and Special Promotional Events, to provide for a pilot program regulating food trucks in certain areas of the City, which is scheduled to expire on December 31, 2013, is hereby continued until March 31, 2014.

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Consilium 1 for project support services for information technology activities through August 31, 2014. Said amount shall be funded from the Cash Capital allocation from prior years.

Section 2. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

By Councilmember Palumbo
December 17, 2013

Ordinance No. 2013-400
Re: Amendatory Agreement - Consilium1,
LLC for Information Technology Project
Services

To the Council:

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

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Consilium 1 (Rochester 14625) for continued support services for information technology projects. The original agreement for \$60,000 (Ord. No. 2012-315) was recently amended (Ord. No. 2013-158) to increase compensation by \$100,000 for a total of \$160,000. This amendment will increase compensation by an additional \$30,000 for a new total of \$190,000. The additional cost will be funded from previous years' Cash Capital. The term of the agreement remains the same and expires in August 2014.

Int. No. 445 - Authorizing The Sale Of Real Estate

Int. No. 446 - Authorizing The Sale Of A Portion Of 182 Exchange Boulevard, Amending And Granting Easements

Int. No. 447 - Authorizing An Amendatory Geva Loan Agreement

Int. No. 448 - Authorizing Extension Of The Tax Exemption And Payment In Lieu Of Tax Agreement For The St. Bernard's Housing Project

Int. No. 449 - Authorizing An Amendatory Loan Agreement For The St. Bernard's Housing Project

Int. No. 450 - Authorizing Extension Of An Agreement For The Naming Of The Blue Cross Arena At The War Memorial

Int. No. 451 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Dispute Resolution Services For City Housing Programs

Int. No. 452 - Authorizing A Community Benefits Agreement For The CityGate Project

Int. No. 469 - Approving A Loan And Grant For The 45 Vick Park A Renovation Project

Int. No. 478 - Accepting An Easement For The CityGate Project

Int. No. 479 - Authorizing Grant And Loan

Consilium1, selected through a request for proposal process in 2012, was brought in along with Technisource (Fairport, NY), also for \$60,000, to augment Information Technology Department staff for the deployment of Windows 7 and the implementation of the Rochester Police Department Records Management (RMS) project. The deployment of mobile units for the RPD Records Management system has been successfully implemented.

This amendatory agreement is needed due to the increase of operational workload, additional projects and unforeseen staffing vacancies. It will enable the successful upgrade to Windows 7 which is scheduled for completion in April 2014.

Any future outsourced services will be contracted with a firm selected through a new RFP process.

Respectfully submitted,
Thomas S. Richards
Mayor

Agreements And The Cancellation Of Taxes Relating To The Bevier Building

Int. No. 481 - Establishing Maximum Compensation For A Professional Services Agreement For The Blue Cross Arena At The War Memorial

Int. No. 414 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Michelsen Mills Affordable Housing Project

Int. No. 415 - Approving Loan Agreements For The Michelsen Mills Affordable Housing Project

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

Int. No. 453 - Amending Chapter 120 Of The Municipal Code, The Zoning Code, Relating To The Grove Place District

Int. No. 454 - Changing The Zoning Classification Of Parcels In The Grove Place District From Center City District Grove Place (CCD-G), And 3 Grove Place From Center City District Main Street (CCD-M), To Center City District Grove Place-Residential (CCD-GR)

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-401
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of twelve properties. City records have been audited to ensure that, with the exception of those buying unbuildable vacant land, purchasers:

- Do not own other properties with code violations or delinquent taxes, and
- During the past five years have not been in contempt of court or fined as a result of an appearance ticket issued by the Bureau of Inspection and Compliance Services.

The first two properties will be sold to Rochester Housing Development Fund Corporation (RHDFC) for rehabilitation and subsequent sale to owner-occupant, first-time homebuyers as part of the Home Rochester Program.

The next four parcels are vacant lots which will be sold to their adjacent owners who will combine the lots with their current parcels for use as additional green space.

The last six are unbuildable vacant lots, all being sold to their adjacent owners who will combine the lots with their existing properties for use as additional green space.

The first year projected tax revenue for these twelve properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,772.

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. AM-215

Ordinance No. 2013-401
(Int. No. 445)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcels of improved property:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Use</u>	<u>Price</u>	<u>Purchaser</u>
69 Devonshire Ct	120.63-3-34	42x100	1 Family	\$10,000	Rochester Housing Development Fund Corp*
382 Ridgeway Av	090.42-1-37	40x130	1 Family	\$ 8,000	Rochester Housing Development Fund Corp

* Board of Directors: Kevin Recchia, President; Bret Garwood, Vice President; Alma Balonon-Rosen, Secretary; Joan Dallis, Member; Gerry DiMarco, Esq., Member; Kabutey Ocansey, Member; Julio Vazquez, Member

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
NH of 132 Gardiner Av	NH of 120.48-1-33	20x128	2,560	\$225	Teresa Pryor
SH of 132 Gardiner Av	SH of 120.48-1-33	20x128	2,560	\$225	Gbenga & Leona Faniyan
108 Harris St	091.77-4-13	39x120	4,851	\$425	Ines Pino & Maritza Santos Rosario
38 Wilson St	106.49-3-42	40x109	4,521	\$425	First Genesis Baptist Church **

** Board of Trustees: Lamar Samuels, Chairperson; Natasha Tyler, Co-Chairperson; Laurel King, Treasurer; Michelle Walker-Pradia, Finance Secretary; Assad Reid, Officer; Alma Coles, Officer; Benjamin Bouiye, Officer

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

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
690 Bay St	107.37-3-49	39x59	1,421	James & Mary McLaughlin
692 Bay St	107.37-3-48	29x56	1,603	James & Mary McLaughlin
1574 Clifford Av	106.36-1-61	33x95	3,144	Sharp Properties, LLC***
13 Morgan St	120.51-2-61	32x100	3,250	George Smit Superfund, LLC****
WH of 353 Weaver St	WH of 091.73-4-1	15x115	1,797	Skyjill, LLC*****
EH of 353 Weaver St	EH of 091.73-4-1	15x115	1,797	Soesanto Widya

***Officers: Anthony Frumusa, Owner & Sole Proprietor
 ****Principals: George Smit, Owner; Sandra Smit, Co-Owner
 *****Officers: Robert Kniestedt, Owner & 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 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. 2013-402
 Re: Rochester Gas and Electric Station 26
 Improvements

Transmitted herewith for your approval is legislation that will allow Rochester Gas and Electric Corporation (RG&E) to perform the necessary upgrades to its Station 26 located along the west bank of the Genesee River. This legislation will:

1. Authorize the sale to RG&E of a portion of 182 Exchange Boulevard, comprising approximately 459 square feet. The sale price of \$1,400 was established by an independent appraisal performed by

Robert G. Pogel, SRPA on July 29, 2013.

2. Amend the release authorized by Ordinance No. 99-287 of an easement along the west bank of the Genesee River previously granted to RG&E over the eastern portion of 25 Court Street and the west portion of 47 Court Street, to provide for only a release of the surface rights. RG&E will maintain rights to subsurface utilities in place below the easement area. The City has used the surface of this easement for the Genesee Riverway Trail since 1999.
3. Amend the replacement easement authorized by Ordinance No. 99-287 over a portion of 25 Court Street and 182 Exchange Boulevard, to realign the replacement easement with the parking lot drive aisles and provide five parking spaces for RG&E employees for access to Station 26. This will allow replacement for the spaces formerly used on the easement along the west bank of the Genesee River.
4. Grant a temporary construction easement to RG&E of approximately 6,166 square feet over a portion of 25 Court Street and 182 Exchange Boulevard. The initial term will be eighteen months at a cost of \$27,540. Upon expiration of the initial term, RG&E may elect two additional extensions of three months each for compensation in the amount \$4,590 per extension. The payment is based on an independent appraisal performed by Robert G. Pogel, SRPA on July 29, 2013.
5. Grant a revocable license agreement to RG&E to allow access to Station 26 through the existing curb cut on Court Street and the existing drive aisles of 25 Court Street and 182 Exchange Boulevard.

A portion of the Genesee Riverway Trail will be disrupted during the construction project. RG&E has agreed to provide signage and bollards for the temporary rerouting of the bike trail for the duration of the project. Payment for granting the temporary construction easement reflects the loss of parking revenue. RG&E will restore the trail area and build the new parking spaces after the temporary easement expires.

These agreements will facilitate upgrades being made to RG&E Station 26 at 31 Court Street which include: replacement of one existing transformer, installation of a second transformer, and construction of a new two-story, 1,420 +/- square foot fully-enclosed control building for the distribution substation. This substation feeds the 11kV network to the Center City District. This project will alleviate current load demands and allow future growth in the downtown area. The land being sold to RG&E will accommodate the placement of the new transformers.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-216

Ordinance No. 2013-402
(Int. No. 446)

Authorizing The Sale Of A Portion Of 182 Exchange Boulevard, Amending And Granting Easements

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 182 Exchange Boulevard, SBL No. 121.39-1-3, of approximately 459 square feet, to the Rochester Gas & Electric Corporation (RG&E) for the sum of \$1,400.

Section 2. The Council hereby authorizes an amendment to the release authorized by Ordinance No. 99-287 of an easement along the west bank of the Genesee River previously granted to RG&E over the eastern portion of 25 Court Street and the western portion of 47 Court Street, to provide for only a release of surface rights, with RG&E retaining rights to subsurface utilities in place below the easement area.

Section 3. The Council further authorizes an amendment to the replacement easement authorized by Ordinance No. 99-287 over a portion of 25 Court Street and 182 Exchange Boulevard, to realign the replacement easement with the parking lot drive aisles and to provide five parking spaces for RG&E for Station 26.

Section 4. The Council hereby approves the granting of a temporary construction easement to RG&E over approximately 6,166 square feet of the parcels at 25 Court Street and 182 Exchange Boulevard, for the sum of \$27,540, for a period not to exceed 18 months. The temporary easement may be extended for up to two additional terms of 3 months each, for the sum of \$4,590 per extension.

Section 5. The Council hereby approves the granting of a revocable license agreement to RG&E to allow access through the existing curb cut on Court Street and through the existing drive aisles of 25 Court Street and 182 Exchange Boulevard.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-403
Re: Amendatory Urban Development Action
Grant Loan Agreement - Geva Theater
Center

Transmitted herewith for your approval is legislation amending an agreement related to an Urban Development Action Grant (UDAG) loan provided for the acquisition and renovation of the former Naval Armory at 75 Woodbury Boulevard for Geva

Theater. The original loan for \$600,000, authorized by Council in 1983 (Ord. No. 83-307) was provided to Conifer Stage Associates. As per federal requirements, County of Monroe Industrial Development Agency (COMIDA) maintained ownership during construction and leased it to Conifer. In 1990, Geva assumed the lease and exercised the option to purchase the building, thereby assuming the UDAG loan (Ord. No. 90-2), which is due to mature on June 30, 2015.

This amendment will extend the term of the loan by 15 years to 2030, and reduce annual interest-only payments from 6% to 3%, with principal payment to remain due at the end of the term. As per the original terms of the loan, Geva will continue to provide in-kind services to the City and the Rochester City School District in lieu of cash interest payments. These services include, but are not limited to, free performance tickets, drama workshops, and Geva staff participation in other instructional activities.

This action is being undertaken to assist Geva in their fundraising efforts for capital improvement projects. It was anticipated that the large principle payment due in June 2015 would discourage potential donors. The City offered the interest reduction after staff conducted underwriting and review of Geva's financial situation.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-403
(Int. No. 447)

Authorizing An Amendatory Geva Loan 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 amendatory agreement with the Geva Theatre Center, Inc. whereby the term of the loan authorized by Ordinance No. 1983-307, as amended by Ordinance No. 1990-2, shall be extended for 15 years, with annual interest-only payments reduced from 6% to 3%, and with the principal to remain due at the end of the term. Geva shall continue to provide in kind services to the City and the City School District in lieu of cash interest payments.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-404 and
Ordinance No. 2013-405
Re: St. Bernard's Rental Project

Transmitted herewith for your approval is legislation related to the St. Bernard's senior housing rental project. The project was completed in the 1990s in two phases, with City loans provided for each as summarized below:

Phase	Address	Ord. No.
<u>Loan</u>	<u>Maturity Date</u>	
I	2260 Lake Avenue \$800,000	1995-324 April 2014
II	2280 Lake Avenue \$200,000	1999-152 June 2017

This legislation will:

1. Authorize the extension of the Payment In Lieu of Tax (PILOT) agreement authorized for the Phase I property (Ord. No. 95-325) to June 2017.
2. Authorize an amendatory loan agreement with St. Bernard's Park Associates, LP to extend the term of the Phase I loan from April 2014 to June 2017 to mature at the same time as the Phase II loan. All other terms and conditions will remain the same.

The current fiscal condition of the property, due to lack of subsidy and market conditions, is such that a repayment of the entire principal balance for Phase I creates a tremendous burden for the owner.

For consideration of extension of the PILOT and the loan adjustment, the owner has agreed to pay \$120,000, a prorated share of the loan, in three annual installments of \$40,000 beginning in 2014. The remaining balance of both loans will be paid in full at the 2017 maturity date.

This request is being made because the properties are currently under separate ownership. They were developed in different years, each using Low Income Housing Tax Credits. Upon the expiration of the Phase II credit period and the City loan, both phases will be combined into one legal entity and refinanced. This will allow for the possibility of resyndication with additional tax credits or other programs promoting the preservation of affordable housing.

The project will continue the affordability requirements of these senior projects. The extension was presented and approved by the PILOT Review committee.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-217

Ordinance No. 2013-404
(Int. No. 448)

Authorizing Extension Of The Tax Exemption And Payment In Lieu Of Tax Agreement For The St. Bernard's Housing Project

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

Section 1. The Council hereby approves the extension of the tax exemption authorized by Ordinance No. 1995-325 for the parcel at 2260 Lake Avenue, SBL No. 75.670-1-2.4, the site of the St. Bernard's Housing Project, until June 2017.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with the St. Bernard's Housing Development Fund Company, Inc. whereby the payment in lieu of tax agreement authorized by Ordinance No. 1995-325, as amended by Ordinance No. 1995-410, shall be extended until June 2017.

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.

Ordinance No. 2013-405
(Int. No. 449)

Authorizing An Amendatory Loan Agreement For The St. Bernard's Housing Project

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with St. Bernard's Park Associates, LP whereby the term of the loan for the St. Bernard's Housing Project authorized by Ordinance No. 1995-324 shall be extended until June, 2017 to mature at the same time as the loan authorized by Ordinance No. 1999-152, under the same terms and conditions. St. Bernard's shall pay to the City the sum of \$40,000 annually for the next three years, with the remaining balance of both loans due at the maturity date.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-406
Re: Naming Rights for the War Memorial Arena

Transmitted herewith for your approval is legislation authorizing an extension of the agreement with

Excellus Health Plan Inc, d/b/a Blue Cross/Blue Shield (Excellus), for the continued naming rights of the Blue Cross Arena at the War Memorial.

The original agreement, authorized in June 1998 (Ord. No. 98-248) was for a term of 15 years with an annual fee of \$195,000 to the City. It also included a first-right-of-refusal which Excellus has elected to exercise.

This legislation will extend the term for an additional 15 years, commencing November 1, 2013 and terminating October 31, 2028. Excellus will continue to pay an annual fee of \$195,000 to the City.

All other terms and conditions of the prior agreement will remain.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-406
(Int. No. 450)

Authorizing Extension Of An Agreement For The Naming Of The Blue Cross Arena At The War Memorial

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Excellus Health Plan Inc. to extend its naming rights to the Blue Cross Arena at the War Memorial for an additional term of 15 years.

Section 2. The agreement shall obligate Excellus Health Plan Inc. to pay to the City the sum of \$195,000 annually.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-407
Re: Agreement - Center for Dispute Settlement

Transmitted herewith for your approval is legislation establishing \$5,000 as maximum compensation for an agreement with The Center for Dispute Settlement (CDS) to provide services related to arbitration and dispute resolution. The cost of this agreement will be funded from the 2013-14 budget of the Neighborhood & Business Development Department. Council authorization is required since other contracts with CDC for similar services bring total compensation from the City over the

\$10,000 threshold.

This agreement will allow for services to resolve disputes between property owners and contractors that may arise from City administered housing rehabilitation and construction programs such as the Emergency Assistance Repair, Lead Hazard Control, and Focused Investment Strategy programs.

These services are necessary because the City utilizes a third-party agreement for its housing programs that binds a contractual relationship between the property owner and contractor; the City is not a party to these contracts. A dispute arising between these two parties would need to be resolved privately or through an arbitrator; the City does not have authority to preside over such cases.

A request for proposal was not used to solicit other agencies for services. The justification for this decision is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-218

Ordinance No. 2013-407
(Int. No. 451)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Dispute Resolution Services For City Housing Programs

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

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of arbitration and dispute resolution services relating to the City housing rehabilitation and construction programs. Said amount shall be funded from the 2013-14 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. 2013-408
Re: CityGate Project, Community Benefits Agreement

Transmitted herewith for your approval is legislation authorizing the Mayor to enter into a Community Benefits Agreement (CBA) with Anthony J. Costello & Son (Spencer) Development, LLC, and/or an entity to be formed by Anthony J. Costello and Robert C. Morgan, for the CityGate Project.

The City has negotiated terms with the developer for the proposed Community Benefits Agreement (CBA) as part of discussions relating to incentives provided for the project to ensure its feasibility. The CBA articulates the benefits to the City, including investment, construction and permanent job creation, and uses to be developed at the site.

The construction workforce goals will be 20% for minority persons and 6.9% for women. These requirements will be applied to the portion of the project being directly undertaken by Anthony Costello & Son, an investment totaling approximately \$105 million. The developer will provide third party monitoring of adherence to these goals and will provide a monthly report to the City. The developer will also provide 20 affordable residential units in the project for a term of 20 years, including 10 units affordable to households with incomes under 80% of the Median Family Income (MFI) and 10 units affordable to household with incomes under 50% MFI.

The project will redevelop approximately 45 acres of vacant and underutilized land at 350 East Henrietta Road and includes the construction of a 150,000 sq. ft. Costco Wholesale Club, approximately 178,000 sq. ft. of retail/commercial space, 300 apartments, a 150 room hotel, a 560 space parking garage, and open space improvements. The project is expected to create over 1,500 construction and 980 permanent jobs, and generate over \$29 million in annual sale tax revenues.

COMIDA has approved a modified 15-year JobsPlus PILOT for Costco and a 20-year modified PILOT Increment Financing (PIF) Agreement for CityGate to assist with financing of a portion of the site and infrastructure costs. The PIF provides for 55% of the PILOT payment to be reserved for debt service. It is estimated that the City will receive over \$21 million in real property tax net revenue over the term of these COMIDA agreements.

Costco, currently under construction, is expected to be completed in late 2014. Full build-out is expected within five years. The project funding sources and uses are as follows:

<u>Sources</u>	
Equity	\$ 15,291,016
Bank (site/infrastructure)	29,170,320
Bank (mixed-use buildings)	60,735,000
Costco	30,000,000
Private retail/commercial	41,803,664
Total	<u>\$177,000,000</u>

<u>Uses</u>	
Land acquisition	\$ 9,519,073
Site/infrastructure	34,942,263
Mixed-use buildings	60,735,000
Costco building	30,000,000
Private retail/commercial	41,803,664
Total	<u>\$177,000,000</u>

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-408
(Int. No. 452)

Authorizing A Community Benefits Agreement For The CityGate 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 community benefits agreement with Anthony J. Costello & Son Development, LLC and/or an entity to be formed by Anthony J. Costello and Robert C. Morgan, for the CityGate Project. The agreement shall provide for workforce goals of 20% for minority workers and 6.9% for women for the construction of the Project by the developer. The developer shall pay for a third party to monitor adherence to these goals and report to the City monthly. The developer shall also provide 20 affordable residential units in the Project for a term of 20 years, with 10 units affordable to households with income under 80% of the median family income (MFI) and 10 units affordable to households with income under 50% of the MFI.

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. 2013-409
Re: 45 Vick Park A Renovation Project

Transmitted herewith for your approval is legislation related to the mixed use redevelopment of a single-room occupancy (SRO) boarding house at 45 Vick Park A ("Property"). This legislation will:

1. Authorize a loan agreement in the amount of \$285,000 with an LLC to be formed by Mark Siwec (the "Developer"). The loan will have a term of 36 months with straight amortization at 1% interest, and requires workforce hiring goals of 20% minority persons and 6.9% women for the project. The loan will be financed from prior years' Cash Capital and will be personally guaranteed by Mark Siwec.
2. Authorize a grant agreement in the amount of \$115,000 with an LLC to be formed by the Developer. The grant will be funded from prior years' Cash Capital. The grant requires that eight of the apartments be affordable for a period of ten years; of those, four will be available only to households with income under 80% Median Family Income, and four to households with income under 50% MFI.

The Developer purchased this and three adjacent properties (43, 47, and 49 Vick Park A) in 2012

with the intention of upgrading them for future rental operations to create a more stable and enhanced residential presence in the neighborhood. One of the four properties has been completed, two are in progress, and the subject property remains in its purchased condition.

The Property has a history of illegal activities, including 209 calls for service to the Police Department in the past five years. This accounts for nearly 12% of all calls in the area bounded by East Avenue, Vick Park B, Park Avenue, and Oxford Street. By comparison, properties at 43 and 47 Vick Park A received 21 and 19 calls, respectively within the same time frame.

The Developer will eliminate the property's SRO status, reduce the number of units from 29 single rooms to 16 studio and one-bedroom apartments, and thereby reduce the associated illegal activities. However, absorbing the costs is more difficult due to the resulting overall reduction in rent. The cost for conversion is approximately \$450,000. The Developer has financed \$352,240 for the acquisition of the Property, and will contribute \$50,000 in equity towards the construction project. The sources and uses of funds for the proposed renovation project are as follows:

<u>Sources</u>	
Bank loan (acquisition)	\$352,240
Equity (towards acquisition & construction)	173,760
City loan	285,000
City grant	115,000
Total	<u>\$926,000</u>
<u>Uses</u>	
Acquisition	\$476,000
Construction	440,000
Soft costs	10,000
Total	<u>\$926,000</u>

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the proposed project is a Type II Action; no additional review is required. Construction is anticipated to be completed in spring 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-219

Ordinance No. 2013-409
(Int. No. 469)

Approving A Loan And Grant For The 45 Vick Park A Renovation Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with a limited liability company formed or to be formed by Mark Siwec to partially finance the costs of the 45 Vick Park A

Renovation Project. The loan agreement shall obligate the City to pay an amount not to exceed \$285,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years. The loan agreement shall have a term of 36 months, at 1% interest. The loan shall be personally guaranteed by Mark Siwec. A condition of the loan shall be that the Developer commit to workforce hiring goals of 20% for minority persons and 6.9% for women for the Project.

Section 2. The Mayor is hereby authorized to enter into a grant agreement with a limited liability company formed or to be formed by Mark Siwec to partially finance the costs of the 45 Vick Park A Renovation Project. The grant agreement shall obligate the City to pay an amount not to exceed \$115,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years. A condition of the grant shall be that 4 of the apartments shall be affordable to households with incomes under 80% Median Family Income (MFI) for a period of 10 years and 4 of the apartments shall be affordable to households with incomes under 50% Median Family Income (MFI) for a period of 10 years.

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. 2013-410
Re: Accepting Easements - CityGate Project

Transmitted herewith for your approval is legislation authorizing the acceptance of the donation of a permanent sidewalk easement over the two properties described below to facilitate public access along East Henrietta Road adjacent to the CityGate development.

<u>Address</u> <u>Owner</u>	<u>S.B.L.#</u>	<u>Sq.Ft.</u>
350 E. Henrietta Rd. Anthony J. Costello & Son	150.22-1-2.4	5,676
450 E. Henrietta Rd. Anthony J. Costello & Son	150.22-1-2.6	3,171

In preparation of the subdivision map for the CityGate Project, it was noted that the public sidewalk along the east side of East Henrietta Road is located on private property, without a formal easement in place. Acceptance of this easement will allow continued pedestrian access and sidewalk maintenance.

Easements over two other properties are also required. A request for their conveyance to the City is in process and anticipated to be completed within

the next several months, at which time City Council authorization will be requested.

<u>Address</u> <u>Owner</u>	<u>S.B.L.#</u>	<u>Sq.Ft.</u>
422 E. Henrietta Rd. COMIDA	150.22-1-2.2	2,027
444 E. Henrietta Rd. Monroe County Pure Waters	150.22-1-2.5	360

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-220

Ordinance No. 2013-410
(Int. No. 478)

Accepting An Easement For The CityGate Project

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

Section 1. The Council hereby approves the acceptance of a permanent sidewalk easement over the following parcels as part of the CityGate Project:

<u>Address</u> <u>Owner</u>	<u>S.B.L.#</u>	<u>Sq.Ft.</u>
350 E. Henrietta Rd. Anthony J. Costello & Son	150.22-1-2.4	5,676
450 E. Henrietta Rd. Anthony J. Costello & Son	150.22-1-2.6	3,171

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-411
Re: Bevier Building Redevelopment Project

Transmitted herewith for your approval is legislation related to the mixed use redevelopment of the historically significant Bevier Building and parking lot at 42 and 48 S. Washington Street, respectively. This legislation will:

1. Authorize a grant of up to \$300,000 to the Rochester Land Bank Corporation (RLBC) to enable its purchase of 42 and 48 S. Washington Street (the "Properties") from Robert Conte, the current owner and to pay off County of Monroe taxes and liens. The grant will be financed from prior years' Cash Capital.
2. Authorize the cancellation of all City taxes and other charges, except water charges, against the Properties as of the date of closing between the current owner and the RLBC. This will allow the subsequent conveyance of

the Properties, as proposed below, to be free of City tax liens and other charges.

3. Authorize a loan agreement in the amount of \$750,000 with an LLC whose managing members will be Douglas B. Sutherland, Ted L. Kinder, and Timothy Stitt of Franklin Properties (Syracuse), and Patrick Dutton (Rochester) and/or entities controlled by them (the "Developer"). The loan will be financed from the Capital Project Housing Revolving Loan Fund and will be personally guaranteed by the principals. The loan will have a term of 24 months at 1% interest, and requires that two of the apartments be affordable to households with incomes under 120% Median Family Income (MFI) for a period of ten years; one of those units will be affordable to households with incomes under 80% MFI.
4. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreements authorized herein.
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

The Developer is proposing the adaptive reuse of the Property into fifteen apartment units and 5,000 square feet of first floor commercial space. The Property, listed on the National Register of Historic Places, has been vacant since 2004. The history of the property is summarized in the attached timeline.

Outstanding City taxes on the Property, including accrued interest, total \$167,683.00. This negative equity situation prevents the transfer of ownership. The physical condition of the property required emergency repairs by the City in 2010. Redevelopment costs are extensive and public funding (including historic tax credits and tax abatements) is needed to make the preservation of this landmark building a viable project.

The Developer, the City, RLBC, and Mr. Conte will execute a Land Disposition Agreement that proposes a four-party transaction, as follows, that will provide a means for title issues to be cleared.

- The RLBC will purchase the Properties from the current owner for \$230,000. This includes a purchase price of \$200,000 and \$30,000 as reimbursement for paying off a lien previously held against the Properties. The RLBC will use the balance of the grant, up to \$70,000, to pay off County of Monroe taxes and liens. It is anticipated that the RLBC will authorize this purchase at its January 2014 meeting.
- The City will cancel all City taxes and other charges except water charges conditioned upon such purchase.
- The RLBC will sell the Properties to the Developer for an amount equal to any and all

costs over \$250,000 that are paid by the RLBC in acquiring and clearing title. These costs will include the \$230,000 outlined above to be paid to the current owner plus the approximately \$70,000 in County taxes and liens for a total cost to the RLBC of \$300,000 (less the \$250,000 for an approximate price to be paid by the Developer to the RLBC of \$50,000).

The sources and uses of funds for the proposed Bevier Building redevelopment project are as follows:

<u>Sources</u>	
Bank loan	\$2,500,000
Equity	600,000
City grant to RLBC	300,000
City loan	<u>750,000</u>
Total	\$4,150,000
<u>Uses</u>	
Acquisition (approximate)	\$ 50,000
Construction	2,275,000
Soft costs*	1,525,000
Developer fee	<u>300,000</u>
Total	\$4,150,000

* Includes: architectural, engineering, marketing, construction management, financing fees, legal, accounting, construction interest, insurance, contingency, and an operations reserve.

The Developer and its affiliated entities have developed, own, and manage more than \$60 million in seven comparable commercial and residential developments, three of which are certified historic rehabilitations of National Register landmark properties with a total of 270 residential units and 130,200 square feet of commercial space. Ted Kinder and Timothy Stitt are also principals in MCK Building Associates, a general contractor in Syracuse with over \$300 million in completed projects over the last 35 years.

The Developer will enter into a 30-year Payment In Lieu Of Taxes (PILOT) Agreement pending approval from the County of Monroe Industrial Development Agency (COMIDA) at its January 2014 meeting. The PILOT formula will contain the following:

- The Properties will be assigned a base value of \$200,000 ("Imputed Value"), which is their most recent sales price. Upon completion and issuance of a Certificate of Occupancy, PILOT payments for the first five years will be based on the Imputed Value at the tax rates in effect for those years.
- At the end of the fifth year, a new base value reflecting actual operating experience over the first five years will be calculated. The City Assessor will review income, general operating expenses and debt service payments and calculate a new base value on which actual tax rates will be applied that would reasonably allow the project owner to realize a net cash flow return in the sixth year that is

sufficient to meet 1.25 debt service coverage on the bank mortgage. That imputed base value will become fixed and remain in effect for the next 10 years.

- At the end of the 15th year, the City Assessor may impute a new base value using actual data compiled over the previous three years of operations. The City Assessor will review income, general operating expenses and debt service payments and calculate a new value that would reasonably allow the project owner to achieve a net cash flow return in the 16th year that is sufficient to meet 1.30 debt service coverage on the bank mortgage. That imputed base value will become fixed and remain in effect for the next 15 years.

The Developer has committed to workforce hiring goals of 20% minority persons and 6.9% women. Construction is anticipated to start in the summer of 2014 and be complete by the summer of 2015.

The City undertook an environmental review of the proposed action pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code. The action was determined to be a Type II action and, as such, no further action is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-221

Ordinance No. 2013-411
(Int. No. 479)

**Authorizing Grant And Loan Agreements
And The Cancellation Of Taxes Relating To The
Bevier 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 grant agreement with the Rochester Land Bank Corporation to provide funding for the purchase of the Bevier Building and adjacent parking lot, 42 and 48 South Washington Street, SBL Nos. 121.30-0001-45 and 121.30-0001-43, from Robert Conte. The grant agreement shall obligate the City to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, shall be funded from the Cash Capital allocation from prior years.

Section 2. City taxes and other charges, except water charges, against said parcels shall be canceled as of the date of closing with the Rochester Land Bank Corporation so that the subsequent conveyance of the parcels will be free of City tax liens and other charges.

Section 3. The Mayor is hereby further authorized to enter into a loan agreement with a limited liability company whose managing members will be Douglas B. Sutherland, Ted L. Kinder, Timothy

Stitt and Patrick Dutton and/or entities controlled by each of them, respectively (the "Developer") to partially finance the costs of the Bevier Building Redevelopment Project. The loan agreement shall obligate the City to pay an amount not to exceed \$750,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Capital Project Housing Revolving Loan Fund. The loan agreement shall have a term of 24 months, at 1% interest. A condition of the loan shall be that 2 of the apartments shall be affordable to households with incomes under 120% Median Family Income (MFI) for a period of 10 years; 1 of those units shall be affordable to households with incomes under 80% MFI. The loan shall be personally guaranteed by the principals of the Developer. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

Section 4. The Mayor is hereby authorized to execute such agreements and other documents as may be necessary to effectuate the Project.

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

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Miller, Councilmember Conklin, Haag, Ortiz, Palumbo, Spaul - 6.

Nays - Councilmember McFadden, Scott - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-412
Re: Agreement - Populous, Facility
Assessment of the Blue Cross
Arena at the War Memorial

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with Populous (Kansas City, MO) to provide a facility assessment of the Blue Cross Arena at the War Memorial. The cost of this agreement will be funded from 2013-14 Cash Capital.

The assessment will provide an evaluation of the facility and strategies that can maximize the net revenue generated by the Arena. The report will provide critical information related to the physical condition and adequacy of existing infrastructure and equipment. The consultant will develop recommendations for making the best use of the facility based on an on-site inspection, review of current operations and procedures, and examination of best practices in the industry. They will also identify opportunities to increase branding, boost attendance and concession sales, and reduce expenses. A key element of the consultant's work is a focus on improving the customer experience for every

type of event in order to retain existing customers and to attract a wider customer base.

In July 2013, Council authorized an extension (through July 30, 2014) of the agreement with SMG for management of the Arena. It was recognized then that a facility assessment was necessary in order to progress with negotiations for a long-term management agreement. To this end, the City is continuing discussions with SMG and Western New York Arena, LLC, an affiliate of the Buffalo Sabres.

Populous was selected based on their expertise in this specialized field. A justification for not issuing a request for proposals for this service is attached.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-222

Ordinance No. 2013-412
(Int. No. 481)

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

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

Section 1. The sum of \$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 the Populous for a facility assessment of the Blue Cross Arena at the War Memorial. Said amount shall be funded from the 2013-14 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-413 and
Ordinance No. 2013-414

Re: Michelsen Mills Affordable Housing Project

Transmitted herewith for your approval is legislation related to the Michelsen Mills project, an affordable housing project being undertaken by the Urban League of Rochester Economic Development Corporation (ULREDC) in partnership with Edgemere Development. This legislation will:

1. Authorize property tax exemptions and payment-in-lieu of taxes agreements for the project, which will provide a 30-year exemption for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents minus utility costs).
2. Authorize two loan agreements with UL-

REDC or an affiliated partnership or housing fund development corporation to be formed by ULREDC, and appropriate HOME funds and approve Cash Capital funds (a total of \$1,850,000) to fund the loans, as follows:

<u>Amount</u>	<u>Source</u>
\$32,867	2012-13 HOME - Housing Development Account of the Affordable Housing Fund
\$641,161	2013-14 HOME - Housing Development Account of the Affordable Housing Fund
\$1,175,972	Cash Capital - Prior Years

- Loan 1, in the amount of \$1million, will serve initially as a non-amortizing, 2% construction loan. At conversion to permanent financing, it will begin to amortize over 30 years at the following rates: years 1 through 5 at 1%, years 6 through 15 at 2%, and years 16 through 30 at 6%. Up to one-half of the first two years' payments may be deferred if necessary (upon audit) to offset any rent concessions required to achieve full occupancy.

- Loan 2, in the amount of \$850,000, will serve initially as a non-amortizing, 2% construction loan, then at conversion become a 30 year, interest-only loan at 2% whose payments would be cash flow dependent and deferred/accrued if and when necessary, with all principal and interest due upon maturity.

3. Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein.
4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal and other requirements for the Project.

The project will transform two historic industrial buildings - the Michelsen Furniture Factory at 182 Avenue D and Rochester Plumbing Supply at 281-295 Mill Street - into 59 workforce apartments for tenants with income levels between 50-60% of Area Median Income (AMI). Both sites have been designed to preserve essential historic features.

Both buildings are on the National Register of Historic Places and are located in Qualified Census Tracts, thereby qualifying them for both historic tax and low income housing credits from the state and federal governments. Combining the two sites into one project allows for more efficient application of tax credits and alternative financing.

The Mill Street site will be the final phase of Mills at High Falls in Rochester's Browns Race district.

The Michelsen site will complement other significant public and private investment in Rochester's northeast quadrant.

The sources and uses for the Michelsen Mills project are summarized below:

<u>Uses</u>	
Acquisition	\$ 605,400
Construction	11,843,387
Contingency	1,184,339
Professional services	832,500
Carrying and finance	1,530,335
Development fee	1,907,407
Working capital and reserves	<u>277,783</u>
Total	\$18,181,151

<u>Permanent Sources</u>	
HFA Bonds	\$ 500,000
City Loan 1	1,000,000
City Loan 2	850,000
HFA subsidy	830,000
Fed. historic tax credit equity	3,090,596
State historic tax credit equity	1,927,468
Federal low-income housing tax credit equity	5,494,991
State low-income housing tax credit equity	3,426,983
Deferred development fee	<u>1,061,113</u>
Total	\$18,181,151

The City anticipates the sale of 374 Conkey to ULREDC at a later date for use as parking for the project.

The workforce goals for the project are 25% for women and minorities combined.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-223

Ordinance No. 2013-413
(Int. No. 414)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Michelsen Mills Affordable Housing Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the properties at 182 Avenue D, SBL No. 091.770-2-31, and 281-291 Mill Street (aka 3 Brown Street), SBL No. 106.690-1-41, to be owned by the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Michelsen Mills Affordable Housing Project.

Section 2. The Mayor is hereby authorized to enter into an in-lieu-of-tax payment agree-

ment for a period of thirty years with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-414
(Int. No. 415)

Approving Loan Agreements For The Michelsen Mills Affordable Housing Project

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

Section 1. The Mayor is hereby authorized to enter into loan agreements with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or limited liability company formed for the purpose of developing the Project, whereby the City shall provide loans to partially finance the costs of the reconstruction of housing units as a part of the Michelsen Mills Affordable Housing Project. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loans in order to conform to legal and other requirements for the Project. The City shall provide two loans for the project with the following terms:

- \$1,000,000 to serve initially as a non-amortizing, 2% construction loan, then at conversion begin to amortize over thirty years and carry several rate adjustments: years 1 through 5 at 1%, years 6 through 15 at 2%, and years 16 through 30 at 6%. Up to one-half of the first two years' payments may be deferred if necessary, upon audit, to offset any rent concessions required to achieve full occupancy.
- \$850,000 to serve initially as a non-amortizing, 2% construction loan, then at conversion to become a thirty year, interest-only loan at 2% whose payments would be cash flow dependent and deferred/accrued if and when necessary, with all principal and interest due upon maturity.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$1,850,000, and of said amount, or so much thereof as may be necessary, \$641,161 is hereby appropriated from the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the

2013-14 HOME Program, \$32,867 is hereby appropriated from the Housing Stock and General Property Conditions Objective, Housing Development Fund allocation (Affordable Housing Fund Account) of the 2012-13 HOME Program and \$1,175,972 shall be funded from the Cash Capital allocation from prior years.

Section 3. The Mayor is hereby authorized to execute such agreements and other documents as may be necessary to effectuate the Project. The agreements and other documents shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-415 and
Ordinance No. 2013-416

Re: Zoning Text and Map Amendment,
Grove Place Center City District

Transmitted herewith for your approval is legislation rezoning a portion of the existing Grove Place Center City District (CCD-G), which is also a Preservation District, by adding a residential sub-area and rezoning 75 properties to the new residential zoning sub-area. This legislation will:

1. Amend the Zoning Text by adding the Center City District Grove Place - Residential District (CCD-GR) regulations to Chapter 120, the Zoning Code.
2. Amend the Zoning Map by rezoning 74 of the 75 properties from CCD-G to CCD-GR, and one property from Center City District Main Street (CCD-M) to the new CCD-GR.

Members of the Grove Place Association (GPA) initiated the rezoning request in order to preserve the residential character of this portion of the Grove Place District. Currently, there are very few use restrictions in the Grove Place District, which was the intent of all of the Center City Zoning Districts when they were included as new Districts in the 2003 Zoning Code Update. However, since this district was established 10 years ago, many new residential units have been constructed. As a result, the "center" of the Grove Place District is now comprised primarily of residential uses, and the members of the GPA would like to see this portion of the District remain residential in nature.

To this end, the GPA is proposing to add a residential sub-area to the existing Center City Grove Place Zoning District. This sub-area would permit and specially permit mainly residential-type and office uses; the regulations governing the rest of the Grove Place District will remain unchanged.

The City Planning Commission held an informational meeting on this proposed rezoning and text

amendment on Monday, November 18, 2013. Five people spoke in support of the rezoning; two spoke in opposition. By a vote of 5-0-0, the Planning Commission recommended approval. The minutes and recommendations from that meeting are attached, as are maps illustrating the new district boundaries and the properties consenting to the rezoning.

A public hearing is required for the Zoning Text and Map Amendment.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-224

Ordinance No. 2013-415
(Int. No. 453)

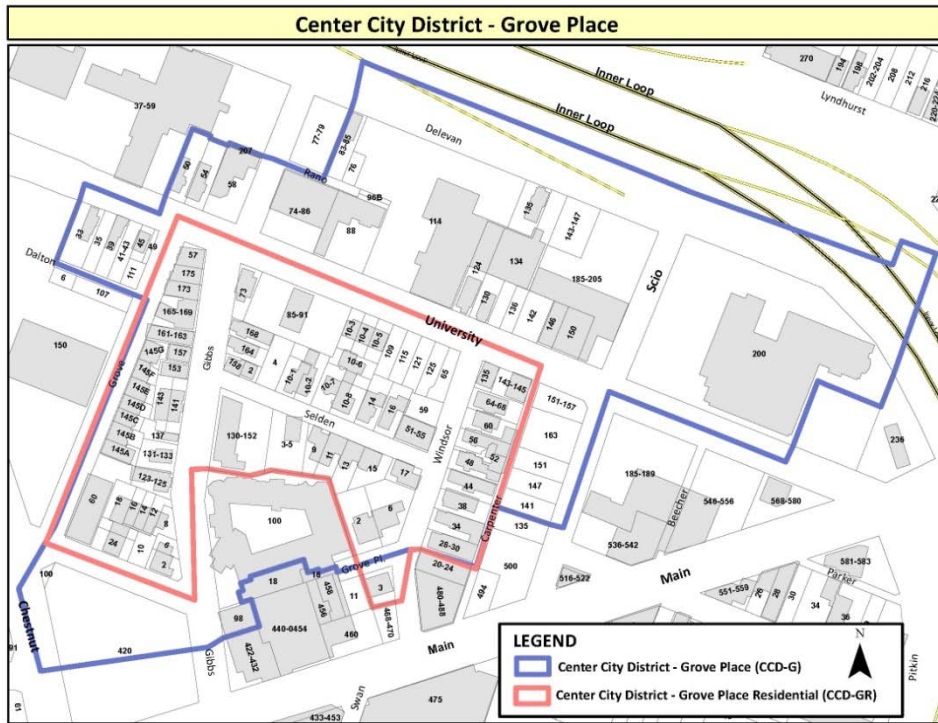
Amending Chapter 120 Of The Municipal Code, The Zoning Code, Relating To The Grove Place District

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending Section 120-69, Grove Place District, by amending Subsection B to read in its entirety as follow, by adding the following new subsections C and D, and by re-lettering Subsections C through H as Subsections E through J, respectively:

B. District boundaries and definition.

1. District boundaries. The boundaries of the Grove Place District were determined by identifying the area that expressed the pedestrian-scaled character and public realm quality identified during the CCD inventory and analysis. Based upon the development goals and objectives established in the CCD Master Plan and the urban design potentials established in "Design Language," opportunities to expand the desired character were captured in the boundary limits.
2. Residential Sub-Area. The Grove Place District shall contain a residential sub-area, Grove Place R – Residential, as reflected on the map below. The residential sub-area will be subject to all requirements of the CCD District and the Center City Grove Place provisions except the permitted and specially permitted uses indicated below.



C. Permitted uses.

1. Grove Place. The Grove Place District shall be subject to the use provisions for CCD set forth in § 120-62, 120-63 and 120-64 of this chapter.
2. Grove Place R-Residential. The following uses are permitted in the Grove Place R-Residential sub-area:
 - a. Single-family detached dwellings.
 - b. Single-family attached dwellings.
 - c. Two-family dwellings.
 - d. Family and group family day-care homes.
 - e. Adult family day-care homes.
 - f. Places of worship.
 - g. Home occupations, subject to the additional requirements for specified uses in § 120-139.
 - h. Adaptive use of designated landmarks, subject to the additional requirements for specified uses in § 120-130.
 - i. Bed-and-breakfast establishments, subject to the additional requirements for specified uses in § 120-132.
 - j. Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
 - k. Hospice.
 - l. Offices within existing structures, excluding clinics.

D. Special permit uses.

- 1. Grove Place. N/A
- 2. Grove Place R-Residential. The following uses are allowed as special permit uses in the Grove Place R-Residential sub-area:
 - a. Multi-family dwellings.
 - b. Surface parking lots
 - c. Residential care facilities, subject to the additional requirements for specified uses in § 120-146.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-416
(Int. No. 454)

Changing The Zoning Classification Of Parcels In The Grove Place District From Center City District Grove Place (CCD-G), And 3 Grove Place From Center City District Main Street (CCD-M), To Center City District Grove Place-Residential (CCD-GR)

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 parcels in the Grove Place District from Center City District Grove Place (CCD-G), and the parcel at 3 Grove Place from Center City District Main Street (CCD-M), to Center City District Grove Place-Residential (CCD-GR):

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 66, 2nd Division, and being more particularly bounded and described as follows: Beginning at the centerline intersection of Grove Street (50' ROW) and University Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of University Avenue, a distance of 730 feet, more or less, to the centerline intersection of Carpenter Alley (15' ROW); thence
- 2) Southerly, along said centerline of Carpenter Alley, a distance of 400 feet, more or less, to the easterly extension of the south line of Lot 30 of the Grove Place Tract, as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 89; thence
- 3) Westerly, along said extension and the south line of Lot 30, a distance of 130.5 feet, more or less, to the centerline of Windsor Street

(44' ROW); thence

- 4) Southerly, along said centerline of Windsor Street, a distance of 35 feet, more or less, to an angle point; thence
- 5) Southerly, continuing along said centerline of Windsor Street, a distance of 65 feet, more or less, to the easterly extension of the south line of lands conveyed to David & Juliana Farkas in Liber 10296 of Deeds, Page 125; thence
- 6) Westerly, along said extension and the south line of Farkas, a distance of 68 feet, more or less, to the southwest corner thereof; thence
- 7) Northerly, along the west line of said lands of Farkas, a distance of 84.5 feet, more or less, to the centerline of Grove Place (39' ROW); thence
- 8) Westerly, along said centerline of Grove Place, a distance of 5 feet, more or less, to the southerly extension of the east line of Lot R-B of the YMCA Resubdivision and the east line of lands conveyed to the University of Rochester in Liber 7247 of Deeds, Page 9; thence
- 9) Northerly, along said extension and the east line of Lot R-B, a distance of 171.5 feet to the northeast corner thereof; thence
- 10) Westerly, along the north line of said Lot R-B, a distance of 106.78 feet to the common corner of Lot R-B & Lot R-A; thence
- 11) Westerly, along the north line of said Lot R-A, a distance of 33.08 feet to an angle point; thence
- 12) Westerly, continuing along said north line of Lot R-A and it's extension, a distance of 124 feet, more or less, to the centerline of Gibbs Street (66' ROW); thence
- 13) Southerly, along said centerline of Gibbs Street, a distance of 49 feet, more or less, to an angle point; thence
- 14) Southerly, continuing along the centerline of Gibbs Street (62' ROW), a distance of 214 feet, more or less, to the intersection of the centerline of Grove Street (50' ROW); thence
- 15) Westerly, along said centerline of Grove Street, a distance of 313 feet, more or less, to an angle point; thence
- 16) Northerly, along said centerline of Grove Street, a distance of 660 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.

By Councilmember Scott
December 17, 2013

To the Council:

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

Int. No. 455 - Appropriating Funds And Approving An Agreement For The Rochester Bicycle Trails Project And Amending Ordinance No. 2012-264

Int. No. 456 - Establishing Maximum Compensation For An Agreement For The Inner Loop East Revitalization Project

Int. No. 457 - Approving An Agreement For Public Improvements As Part Of The Mt. Hope Avenue Phase II Village District Project And Amending Ordinance No. 2013-24

Int. No. 458 - Authorizing An Agreement For An Urban And Community Forestry Grant

Int. No. 459 - Establishing Maximum Compensation For An ~~Amendatory~~ Agreement For A Water Rate Model, As Amended

Int. No. 460 - Appropriating Environmental Cleanup Grant Funds

Int. No. 462 - Authorizing Participation In The Joseph Avenue At Kelly Street-Median Barrier Project

Int. No. 475 - Amending The 2013-14 Budget Relating To The Mt. Hope Improvement Project

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

Int. No. 461 - Approving An Increase In The Pavement Width Of Brentwood Street

Int. No. 463 - Approving Changes In The Pavement Width Of Joseph Avenue At Its Kelly Street Intersection

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

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-417
Re: Bicycle Trails Project

Transmitted herewith for your approval is legislation related to the City of Rochester Bicycle Trails Project. This legislation will:

1. Appropriate an additional \$55,200 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of the project construction.
2. Establish \$334,000 as maximum compensation for an agreement with Stantec Consulting Services for related resident project representation (RPR) services. Funding for the agreement is summarized in the table below.
3. Amend Ordinance No. 2012-264 to revise the source of funds for the \$340,000 authorized therein as maximum compensation for the agreement with Stantec Consulting Services for design services. This amendment will reduce the federal funding by \$12,400 and replace the same amount with local funding from 2011-12 Cash Capital. The full federal aid planned for design services was not authorized.

This federal aid project includes the construction of trail improvements at the following five locations along the length of the Genesee Riverway Trail:

- Harding/Brewster Park connector

- St. Paul Street trailhead and overlook
- Vincent Street open space
- Plymouth Avenue greenway connector
- Genesee Valley Park connector

The improvements will provide greater connectivity between the existing Genesee Riverway Trail and adjacent trails and neighborhoods and will include: reconstruction of S. Fitzhugh Street to accommodate bicycle lanes and provide geometric improvements to enhance bicycle safety; vegetative clearing; asphalt trails; landscape features; fencing; signage; striping; and asbestos abatement and building demolition. The project was authorized via Ordinance No. 2011-355.

Bids for the project were received on November 19, 2013. The work will be performed by Ramsey Constructors, Inc. at a cost of \$1,712,401, which is 14% below the engineer's estimate. The construction phase of the project will be financed as follows:

<u>Source</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>City Administration</u>	<u>Total</u>
Federal (Ord. 2011-355)	\$1,370,000	\$267,200	\$ 39,600	-	\$1,676,800
Federal (proposed herein)	-	-	41,900	\$13,300	55,200
Cash Capital	342,401	66,800 (2012-13)	38,399	-	447,600
Total	<u>\$1,712,401</u>	<u>\$334,000</u>	<u>\$119,899</u>	<u>\$13,300</u>	<u>\$2,179,600</u>

Stantec was selected for RPR services through a request for proposal process, which is described in the attached summary. The project resident project representation (RPR) services agreement, which will not exceed \$334,000, will be financed from \$267,200 previously appropriated federal reimbursements (Ord. No. 2011-355) and \$66,800 from 2013-14 Cash Capital allocations.

It is anticipated that construction will begin in spring 2014 with scheduled completion in fall 2014. The project will result in the creation/retention of the equivalent of 26.4 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-225

Ordinance No. 2013-417
(Int. No. 455)

Appropriating Funds And Approving An Agreement For The Rochester Bicycle Trails Project And Amending Ordinance No. 2012-264

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

Section 1. The sum of \$55,200 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Rochester Bicycle Trails Project.

Section 2. The sum of \$334,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services for resident project representation services for the Rochester Bicycle Trails Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$267,200 shall be funded from the appropriation of Federal Highway Administration funds in Section 3 of Ordinance No. 2011-355 and \$66,800 shall be funded from the 2012-13 Cash Capital allocation.

Section 3. Ordinance No. 2012-264, authorizing an agreement for the Rochester Bicycle Trails Project, is hereby amended by reducing the amount of funding for the agreement from the appropriation of Federal Highway Administration funds in Section 3 of Ordinance No. 2011-355 by \$12,400, from \$272,000 to \$259,600, and by replacing said amount with \$12,400 from the 2011-12 Cash Capital allocation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-418
Re: Project Labor Agreement - Seeler
Engineering, P.C., Inner Loop East
Revitalization Project

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Seeler Engineering, P.C. (Pittsford, NY) 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 Inner Loop East Revitalization Project. The cost of the agreement will be financed from prior years' Cash Capital allocations.

The Inner Loop East Transformation project will reconstruct an aging, inefficient, and underutilized segment of the Inner Loop Expressway and its frontage roads, Pitkin and Union streets, for approximately 2/3-mile between Monroe Avenue and Charlotte Street and realign it as a multi-lane surface boulevard. This project includes the removal of three bridges, two of which are structurally-deficient and in need of major rehabilitation. The project will remove a significant barrier to redevelopment in the East End, one of Rochester's most important downtown districts, and will reconnect thriving east side neighborhoods with the downtown area. Completion of this project will result in acres of land for mixed-use redevelopment thereby creating jobs and leveraging private investment.

Seeler Engineering, P.C. was selected based on exclusive local expertise in PLA development and implementation. The firm 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 immediately, with submission of their report by spring 2014. Construction on the Inner Loop is anticipated will begin in fall 2014 with scheduled completion in fall 2017. The agreement will result in the creation/retention of the equivalent of 0.24 full-time jobs.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-226

Ordinance No. 2013-418
(Int. No. 456)

**Establishing Maximum Compensation For
An Agreement For The Inner Loop East Revitalization 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 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 Inner Loop East Revitalization 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. 2013-419
Re: Mt. Hope Avenue Phase II
Village District

Transmitted herewith for your approval is legislation relating to the construction of shared access being undertaken by certain businesses as part of the Mount Hope Avenue Phase II Village District. This legislation will:

1. Establish \$250,000 as maximum compensation for an agreement with McDonald's USA LLC, for reimbursement of the cost of the construction of public improvements. The cost of the agreement will be funded from the bonds appropriated in Ordinance No. 2013-23.
2. Amend Ordinance No. 2013-24 to change the authorized entity from the owner, David L. Gandell, to the lessee, Flour City Bagels LLC, in order to facilitate the latter's responsibility for contracting directly for site improvements related to the shared access.

As part of Phase I of the Mt. Hope Improvement Project, a median was constructed in Mount Hope Avenue between Rossiter Road and Elmwood Avenue to eliminate left turns in and out of commercial driveways in this portion of Mount Hope Avenue. To mitigate the reduction in customer convenience, the business owners most affected by the elimination of the left-turn access agreed to provide shared access through the rear portions of their parking lots. It was determined that the site contractors should undertake construction of the shared access due to the critical amount of site grading required for the overall project and the integration of the construction of the sites within a confined area.

The design of the shared access was authorized via Ordinance Nos. 2009-70 and 2012-152; donations of the associated easements were accepted via Ordinance No. 2012-153; and the parking district and its associated annual operation costs were established via Local Improvement Ordinance No. 1651. Ordinance No. 2013-24 appropriated project bonds and authorized agreements with Mamasans Monroe LLC and David L. Gandell.

Construction on the Mamasans site was completed in this fall. Work on the Brueggers site is expected to begin this winter and be completed in spring 2014 and work on the McDonalds site is expected to begin in spring 2014 and be completed by sum-

mer 2014.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-227

Ordinance No. 2013-419
(Int. No. 457)

Approving An Agreement For Public Improvements As Part Of The Mt. Hope Avenue Phase II Village District Project And Amending Ordinance No. 2013-24

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

Section 1. The Mayor is hereby authorized to enter into an agreement with McDonald's USA LLC for the construction of public improvements associated with the shared access and parking on easement areas behind certain parcels along the east side of Mt. Hope Avenue between Elmwood Avenue and Fort Hill Terrace, as part of the Mt. Hope Avenue Phase II Village District Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$250,000, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2013-23.

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

Section 4. Ordinance No. 2013-24, authorizing agreements for public improvements as part of the Mt. Hope Avenue Phase II Village District Project, is hereby amended by changing the name of the party in one of the agreements from David L. Gandel to Flour City Bagels LLC.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-420
Re: Agreement - New York State
Department of Environmental
Conservation, 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 a \$50,000 Urban and Community Forestry Grant. This amount will be included in the proposed 2014-15 Cash Capital allocations.

This grant program provides support and assistance to communities in comprehensive planning, management, and education to create healthy urban and

community forests, and enhancement of the quality of life for urban residents. The required 50% match of up to \$50,000 will be funded from 2014-15 Cash Capital.

The funds of the grant will be used to complete rotational maintenance tree pruning during 2014-15. This will provide pruning for approximately 600 street and park trees throughout the city.

It is anticipated that this project will be completed during the winter of 2015.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-420
(Int. No. 458)

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 an Urban and Community Forestry Grant to support tree pruning.

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. 2013-421
Re: Agreement - Municipal & Financial Services
Group, Water Rate Model

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Municipal & Financial Services Group (MFSG) of Annapolis, MD for additional technical support services related to the water rate model they developed for the City. The original agreement (Ord. No. 2012-257) provided \$100,000 as maximum compensation for a term of one year. This amendment will extend the agreement for one year, with an option for two one-year renewals at an annual cost of \$15,000. The cost will be funded from the 2013-14 Budget of the Department of Environmental Services (Water Fund), and subsequent annual budgets contingent upon their approval.

Under the original agreement, MFSG completed a comprehensive water rate study and water audit. Based on that, and accounting for the many variables that must be updated annually, they created a model for the City's use in determining annual water rates. In order to effectively continue use of

the model, additional technical support and training is required for Water Bureau and Budget Bureau staff.

MFSG is qualified to perform this work because they created the original model and because of their extensive experience performing cost of service studies and preparing water rate models for other large water utilities.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-421
(Int. No. 459, As Amended)

Establishing Maximum Compensation For An Ammendatory Agreement For A Water Rate Model

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

Section 1. The sum of \$15,000 annually, 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 Municipal & Financial Services Group for technical support required to update a water rate model for one year, ~~with two one-year renewal options~~. Said amount shall be funded from the 2013-14 ~~and subsequent~~ Budgets of the Department of Environmental Services (Water Fund), ~~contingent upon the approval of subsequent budgets~~.

Section 2. This ordinance shall take effect immediately.

Strikeout material deleted.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-422
Re: Funding for Environmental Cleanup at Two Sites

Transmitted herewith for your approval is legislation appropriating anticipated reimbursements from the New York State Department of Environmental Conservation (NYSDEC) Environmental Restoration Program (ERP) grants for environmental cleanup of two sites, as follows:

<u>Site</u>	<u>Amount</u>	<u>Purpose</u>
300,304, 320 Andrews Street & 24 Evans Street	\$270,527	Remedial investigation activities
1200 E. Main Street	\$332,600	Remedial action activities

The 1.5 acre Andrews Street Site consists of four City-owned parcels located on the north side of Andrews Street adjacent to the Inner Loop. The Site had been previously used for various commercial and industrial uses since the early 1920s, in-

cluding a commercial bus depot and bus garage, gasoline station, chemical sales/distribution, dry cleaning equipment distributor, fuel oil contractor, and warehousing. Previous investigations have identified several recognized environmental conditions of concern, including soil and groundwater contamination. The City was previously awarded a \$472,714 NYSDEC brownfield grant for remedial investigations and interim remedial activities (Ord. No. 2009-387). The additional \$270,527 in NYSDEC grant funds will provide for comprehensive interim cleanup activities. The additional grant funds will bring the total State funding for this site to \$743,241. Upon completion of the cleanup, the City will offer the site for redevelopment.

The parcel at 1200 E. Main Street, a former retail gasoline station, was acquired by the City through tax foreclosure in February 1998. The City was previously awarded a \$458,024 NYSDEC brownfield grant for this site (Ord. No. 2007-382). Several project delays have occurred at the State level and the scope of cleanup required to address groundwater contamination has increased. NYSDEC recently approved an additional \$332,600 in ERP grant funds based on a request from the City. This will bring the total State funding for this site to \$790,624 and allow the City to complete remediation of the site and offer it for reuse.

The 1996 Bond Act Title 5 Environmental Restoration Program through which these funds were received provides grants to reimburse municipalities for 90% of the costs for investigation and cleanup of municipally owned brownfield sites. Although the program has been closed to new applications since 2009, under some circumstances it can provide additional grant funds for sites already in the program.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-422
(Int. No. 460)

Appropriating Environmental Cleanup Grant Funds

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

Section 1. The sum of \$270,527 is hereby appropriated from anticipated reimbursements from the New York State Department of Environmental Conservation to finance additional remedial investigation activities at 300, 304 and 320 Andrews Street and 25 Evans Street.

Section 2. The sum of \$332,600 is hereby appropriated from anticipated reimbursements from the New York State Department of Environmental Conservation to finance additional remedial action activities at 1200 East Main Street.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2013-423 and
Ordinance No. 2013-424

Re: Joseph Avenue at Kelly Street Median
Barrier Project

Transmitted herewith for your approval is legisla-
tion related to the Joseph Avenue at Kelly Street
Median Barrier Project. This legislation will:

1. Authorize agreements with the New York State Department of Transportation (NYS-DOT) necessary to participate and administer the project.
2. Authorize the receipt and use of \$153,000 in anticipated reimbursements from the Federal Highway Administration (FHWA) which will be used to finance the federal portion of construction and resident project representation services.
3. Authorize changes in pavement width on Joseph Avenue at the intersection from 28 feet to 38.5 feet, separated by a five-foot wide raised median.
4. Establish \$33,000 as maximum compensation for an agreement with Bergmann Associates for resident project representation (RPR) services. The cost of the agreement will be funded from the FHWA funds appropriated herein (\$23,000) and prior years' Cash Capital (\$10,000).

The project, designed in-house, includes the installation of a 150' long, 5' wide curbed median barrier at the intersection of Joseph Avenue and Kelly Street. The barrier will limit vehicles exiting and entering Kelly Street at the intersection to right turns only. The four corners of the intersection will be reconstructed to allow a minimum 14 foot lane width entering the intersection.

Bergmann Associates was selected for RPR services through a request for proposal process, which is described in the attached summary.

Construction will begin in spring 2014 and will be completed by summer 2014. The estimated cost of construction is \$210,000. The project will result in the creation/retention of the equivalent of 2.3 full-time jobs.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM- 228

Ordinance No. 2013-423
(Int. No. 462)

Authorizing Participation In The Joseph Avenue At Kelly Street-Median Barrier 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 Joseph Avenue at Kelly Street-Median Barrier Project.

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

Section 3. The sum of \$153,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Project.

Section 4. The sum of \$33,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services for the Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$23,000 shall be funded from the appropriation in Section 3 and \$10,000 shall be funded from the Cash Capital allocation from prior years.

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

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2013-424
(Int. No. 463)

Approving Changes In The Pavement Width Of Joseph Avenue At Its Kelly Street Intersection

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

Section 1. The Council hereby approves an increase of 10.5 feet, from 28 feet to 38.5 feet, in the pavement width of Joseph Avenue at its intersection with Kelly Street, and the addition of a 150 foot long, 5 foot wide, curbed median barrier.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-425
Re: Acceptance Funding ExxonMobil, Mt.
Hope Avenue Improvement Project

Transmitted herewith for your approval is legislation appropriating \$29,466.82 in reimbursements from ExxonMobil (Fairfax, VA) for the removal of underground tanks required as part of the Mt. Hope Avenue Improvement Project (Rossiter to Elmwood), and amending 2013-14 Cash Capital by \$29,500 to reflect the reimbursements.

ExxonMobil has agreed to provide funding for the handling, removal, and disposal of three underground storage tanks and any petroleum contaminated soils. One tank is located at 1500 Mt. Hope Avenue and has a 1,500 gallon capacity. Two tanks are located at 1471 Mt. Hope Avenue; one has a 1,500 gallon capacity, and the other is 800 gallons.

The tanks were discovered during construction of the Mt. Hope Avenue Improvement Project, and the funding requested is sufficient to fully cover the costs.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-425
(Int. No. 475)

**Amending The 2013-14 Budget Relating To
The Mt. Hope Improvement Project**

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

Section 1. Ordinance No. 2013-160, the 2013-14 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 \$29,500, which amount is hereby appropriated from reimbursements from ExxonMobil for the removal of underground tanks required as part of the Mt. Hope Avenue Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-426
Re: Brentwood Street Group - Pavement
Width Changes

Transmitted herewith for your approval is legislation authorizing pavement width changes to Brentwood Street to accommodate recessed parking near N. Winton Road. The changes include an increase of 4 feet, from 24 to 28 feet, starting at a point 30'

east of the edge of N. Winton Road to a point 123 feet east of N. Winton Road.

The project provides curb replacement on Brentwood and Balsam Streets, and curb replacement and resurfacing on Juniper Street. The project includes: new granite stone curbs, spot concrete sidewalk replacement, driveway aprons, catch basin adjustments or replacements, replacement of lead water services, and the milling and resurfacing of Juniper Street.

A recessed parking area will be added in front of the U.S. Post Office located at 130 N. Winton Road near the west end of Brentwood Street. No additional right-of-way is required to accommodate the changes in pavement width.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering.

A public meeting was held on November 20, 2013; the minutes of that meeting are attached. The pavement width changes will be presented for endorsement at the December 3, 2013 Traffic Control Board meeting.

It is anticipated the design will be completed in the fall of 2013 and construction will begin in spring of 2014, with substantial completion by summer of 2014.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-229

Ordinance No. 2013-426
(Int. No. 461)

**Approving An Increase In The Pavement
Width Of Brentwood 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 24 feet to 28 feet, in the pavement width of Brentwood Street, from a point 30 feet east of North Winton Road to a point 123 feet east of North Winton Road, to provide for recessed parking as a part of the Brentwood Street Group Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
December 17, 2013

To the Council:

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

Int. No. 464 - Authorizing Agreements For Sexual Health Promotion For Young People And Amending The 2013-14 Budget

Int. No. 465 - Authorizing An Agreement For A Child Passenger Safety Grant

Int. No. 470 - Authorizing An Amendatory Agreement For The Rochester Youth Violence Partnership Hospital Based Intervention Program And Amending The 2013-14 Budget

Int. No. 471 - Establishing Maximum Compensation For A Professional Services Agreement For Fire Safety Training

Int. No. 480 - Establishing Maximum Compensation For The Continuation Of A Professional Services Agreement For The Citizen Complaint Services For The Rochester Police Department

Int. No. 424 - Amending Chapter 79 Of The Municipal Code, Parks Code, With Respect To Smoking

Respectfully submitted,
 Adam C. McFadden
 Matt Haag
 Loretta C. Scott (Voted against Int. No. 424)
 Dana K. Miller
 PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE
 Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2013-427
 Re: New York State Department of Health,
 Sexual Health Grant COLA Funds

Transmitted herewith for your approval is legislation related to a cost of living adjustment (COLA) provided by the Department of Health for the Sexual Health Promotion through Youth Leadership (SHPYL) Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of \$15,538 in additional funding for the 2013-14 SHPYL Program. This amount reflects an unanticipated cost of living adjustment (COLA) provided by the DOH.
2. Amend the 2013-14 Budget of the Department of Recreation and Youth Services by \$15,600 to reflect these funds which will be used to purchase program supplies, professional development registration fees, social marketing media space and an amendatory agreement with a program subcontractor.
3. Authorize an amendatory agreement with Baden Street Settlement/Metro Council for Teen Potential to increase their maximum

compensation by \$4,000 to reflect the COLA. The original agreement with Baden Street provided \$90,380 in maximum compensation (Ordinance No. 2013-259). This amendment will increase the total to \$94,380. The additional cost will be funded from the 2013-14 Budget of the Department of Recreation and Youth Services.

The City was notified in October 2013 that the New York State Department of Health had authorized the COLA for the SHPYL Program, based upon a Congressional Budget Office calculation for state fiscal year 2013-14, resulting in an additional \$15,538.

This unanticipated revenue will support staff and youth service projects. The table below summarizes funding for the 2013-14 SHPYL program. Additional detail on the use of the funds is attached.

	Original Amount	2013-14 COLA	Final Amount
Baden/Metro Council for Teen Potential	\$ 90,380	\$ 4,000	\$ 94,380
Trillium Health	20,000	0	20,000
DRYS 2013-14 Operating Budget	80,442	11,538	91,980
Total	\$190,822	\$15,538	\$206,360

Respectfully submitted,
 Thomas S. Richards
 Mayor

Attachment No. AM-230

Ordinance No. 2013-427
 (Int. No. 464)

Authorizing Agreements For Sexual Health Promotion For Young People And Amending The 2013-14 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for additional funding for the 2013-14 Sexual Health Promotion for Young People through Youth Leadership Program.

Section 2. The Mayor is hereby further authorized to enter into an amendatory agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide Program services.

Section 3. The amendatory agreement shall obligate the City to pay an amount not to exceed \$4,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2013-14 Budget of the Department of Recreation and Youth Services.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor

deems to be appropriate.

Section 6. Ordinance No. 2013-160, the 2013-14 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$15,600, which amount is hereby appropriated from the 2013-14 Sexual Health Promotion for Young People through Youth Leadership Program funds to be received under the agreement authorized herein.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-428
Re: Agreement - New York State Governor's Traffic Safety Committee, Child Passenger Safety Grant Award

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Governor's Traffic Safety Committee for the receipt and use of a \$4,000 Child Passenger Safety Grant.

The Governor's Traffic Safety Committee provides this funding to allow the Rochester Police Department to run child safety seat inspections in the city during the period of October 1, 2013 through September 30, 2014. The goal of this award is to increase the proper use and installation of child safety seats in New York State. Funding will be used primarily to purchase child car seats (\$3,000). The remaining funds will be used for certification of those teaching about, and distributing, seats, a start-up kit for a new technician, and cones to use at community-based seat-checking events. Any child safety seats purchased will be donated to city residents who may need them.

This is the second year the Rochester Police Department has received this grant. During the first year of the grant, 42 car seats were inspected and 25 new seats were given to residents.

Respectfully submitted,
Thomas S. Richards
Mayor

Ordinance No. 2013-428
(Int. No. 465)

Authorizing An Agreement For A Child Passenger Safety 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 Governor's Traffic Safety Committee for a Child Passenger Safety Grant.

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

Section 3. The sum of \$4,000 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the Child Passenger Safety Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-429
Re: Amendatory Agreement - Rochester Institute of Technology, Hospital Based Intervention Program

Transmitted herewith for your approval is legislation related to an agreement with the Rochester Institute of Technology for continuation of the Rochester Youth Violence Partnership Hospital Based Intervention Program (RYVP). The agreement for the program and funded by RIT was originally authorized via Ordinance 2012-376. This legislation will:

1. Extend the term of the agreement to June 30, 2014.
2. Amend the 2013-14 Budget of the Department of Recreation and Youth Services to include \$47,700 remaining in unused funding from the original grant of \$61,500 provided by RIT for the program.

The RIT grant supports the City Pathways to Peace program and its work with the RYVP in Rochester (Rochester General and Strong Memorial Hospitals). It also provides funding for PTP staff to provide training to key staff at Buffalo area hospitals in an effort to expand the program into a regional collaborative.

Funds were not fully expended in 2012-13 due to an overestimation of the amount of services that would be needed. Extension of the term of the contract will allow Pathways staff to continue offering on-site and follow-up services to violence victims as well as training to Buffalo hospital's emergency department staff.

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-231

Ordinance No. 2013-429
(Int. No. 470)

Authorizing An Amendatory Agreement For The Rochester Youth Violence Partnership Hospital Based Intervention Program And Amending The 2013-14 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 Rochester Institute of Technology so that the City can continue to use funding for Pathways to Peace to take part in the Rochester Youth Violence Partnership Hospital Based Intervention Program through June 30, 2014.

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

Section 3. Ordinance No. 2013-160, the 2013-14 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 \$47,700, which amount is hereby reappropriated from funds to be received under the agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-430
Re: Agreement - Elementary School Fire Safety Training Program

Transmitted herewith for your approval is legislation establishing \$28,800 as maximum compensation for an agreement with Prevention 1st (Pittsford, NY) for the development and implementation of an elementary school peer-to-peer fire safety training program. The cost of the agreement will be funded from the 2012 Assistance to Firefighters Grant (AFG), which was appropriated for fire safety education via Ordinance No. 2013-388. The agreement will be for a term of six months beginning January 1, 2014.

The training program is intended to reduce the incidence of kitchen fires and will target elementary school age children in the southwest area of the city. The program will train older elementary school children to mentor younger elementary school children in home fire safety as part of a multi-faceted approach to promote fire safety awareness through outreach, safety education, and distribution of safety devices.

The school training program will provide:

- Fire safety curriculum development for both older and younger grades on topics such as kitchen fire safety, exit drills, get out/stay out, and other appropriate topics
- Development of lesson plans and activities for the older students to learn and provide to the younger students

- Coordinate with the RFD on a hands-on kitchen safety activity, outreach to student homes, and participation in other events
- Coordination with the staff and administration of each school to deliver programming
- Development and delivery of educational materials
- Evaluation tools and reports that provide analysis of the educational outcomes for participating students

Respectfully submitted,
Thomas S. Richards
Mayor

Attachment No. AM-232

Ordinance No. 2013-430
(Int. No. 471)

Establishing Maximum Compensation For A Professional Services Agreement For Fire Safety Training

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

Section 1. The sum of \$28,800, 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 Prevention 1st for development and implementation of an elementary school peer-to-peer fire safety training program. Said amount shall be funded from the 2012 Assistance to Firefighters Grant funds appropriated in Ordinance No. 2013-388.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2013-431
Re: Agreement - Center for Dispute Settlement, Complaint Management Services

Transmitted herewith for your approval is legislation establishing maximum compensation of \$144,149 for a one-year agreement with the Center for Dispute Settlement, Inc. (CDS), to provide services relating to complaints involving members of the Rochester Police Department. The cost of the agreement will be funded from the 2013-14 and 2014-15 Budgets of the Police Department contingent upon adoption for the latter year.

The most recent agreement for this purpose with CDS was authorized by City Council Ord. No. 2012-434. This legislation extends CDS's current contract for an additional calendar year as permitted in the original agreement. When this contract was originally awarded, it went through the RFP process and CDS was the only firm to respond to

the request.

The citizen complaint review process was established by City Council Resolution No. 92-40, and modified by Resolution No. 95-8. CDS will select and train panelists, conduct hearings and maintain related records. CDS also added the position of an advocate to this process this year, and the advocate has worked to ensure that each complaint is handled properly and in a timely manner.

Respectfully submitted,
Adam C. McFadden
Chair
Public Safety, Youth and Recreation Committee
South District Councilmember

DANIEL B. KARIN
City Clerk

* * * * *

Ordinance No. 2013-431
(Int. No. 480)

**Establishing Maximum Compensation For
The Continuation Of A Professional Services
Agreement For The 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 \$144,149, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the continuation of a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the provision of services relating to citizen complaints involving members of the Rochester Police Department during 2014. Said amount shall be funded from the 2013-14 and 2014-15 Budgets of the Rochester Police Department, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 424 was introduced November 19, 2013 and appears in its original form with its transmittal letter on page 419 of the current Council Proceedings.

Attachment No. AM-233

Ordinance No. 2013-432
(Int. No. 424)

**Amending Chapter 79 Of The Municipal
Code, Parks Code, With Respect To Smoking**

Passed by the following vote:

Ayes - President Miller, Councilmember Conklin,
Haag, McFadden, Ortiz, Palumbo, Spaul - 7.

Nays - Councilmember Scott - 1.

The meeting was adjourned at 8:55 p.m.

**ITEMS HELD IN COMMITTEE AS OF
DECEMBER 31, 2013**

January 24, 2012

Int. No. 4 - Local Law Amending The City Charter With Respect To Parking Finance Committee

Int. No. 33 - Establishing Maximum Compensation For A Professional Services Agreement For Fitness For Duty Evaluation Services For The Rochester Police Department Public Safety, Youth & Recreation Committee

April 24, 2012

Int. No. 148 - Establishing Maximum Compensation For A Professional Services Agreement For GIS Services Neighborhood & Business Development Committee

July 24, 2012

Int. No. 345 - Authorizing The Reacquisition Of 33 Bartlett Street Finance Committee

August 21, 2012

Int. No. 389 - Amending Chapter 120 Of The Municipal Code, Zoning Code, With Respect To Special Permit And Area Variance Standards Neighborhood & Business Development Committee

December 18, 2012

Int. No. 513 - Appropriating Funds For The Rochester Youth Leadership Council And Amending The 2012-13 Budget Public Safety, Youth & Recreation Committee

May 14, 2013

Int. No. 176 - Authorizing An Agreement For Youth Intervention Services And Amending The 2012-13 Budget Public Safety, Youth & Recreation Committee

August 13, 2013

Int. No. 313 - Changing The Zoning Classification Of 1483 And 1487 North Clinton Avenue From C-2 Community Center To M-1 Industrial Neighborhood & Business Development Committee

Int. No. 316 - Resolution Authorizing The Preparation Of A District Plan For The Downtown Business Improvement District Jobs, Parks & Public Works Committee

September 17, 2013

Int. No. 345 - Authorizing The Sale Of A Portion Of 182 Exchange Boulevard, Amending And Granting Easements Neighborhood & Business Development Committee

Int. No. 351 - Changing The Zoning Classification Of 15 McArdle Street From R-1 Low Density Residential To M-1 Industrial Neighborhood & Business Development Committee

October 15, 2013

Int. No. 407 - Amending The Municipal Code To Provide For The Establishment Of Drug Free Zones Public Safety, Youth & Recreation Committee

November 19, 2013

Int. No. 413 - Resolution Approving Appointment To The Examining Board Of Plumbers Neighborhood & Business Development Committee

Int. No. 417 - Authorizing The Acquisition And Sale Of The Bevier Building And Approving Loans Neighborhood & Business Development Committee

**INDEX 2013
ABBREVIATIONS**

Acq. - Acquire, Acquisition	L.I.O. - Local Improvement Ordinance
Adj. - Adjourned	L.L. - Local Law
Admin. - Administration	Lftd. - Lifted
Adpt. - Adopt, Adopted	Litig. - Litigation
Amend. - Amendatory, Amending, Amendment	Maint. - Maintenance
Appl. - Application(s)	Max. - Maximum
Approp. - Appropriate, Appropriating	Mgr. - Manager
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointments(s)	Ofc. - Office
Assist. - Assistance	Off. - Official
Auth. - Authority, Authorize	Ord. - Ordinance
Bldg. - Building	Pav. - Pavement
CHDO - Community Housing Development Organization	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commercial, Commission, Committee, Community	Pssd. - Passed
Comp. - Compensation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R.E. - Real Estate
Dedica. - Dedicate, Dedication	R.O.W. - Right-of-Way
Demon. - Demonstration	Rec. - Recreation
Designa. - Designate	Rehab. - Rehabilitate, Rehabilitation
Dev. - Development	Rej. - Reject
Est(s). - Estimate(s)	Renew. - Renewal
Ext. - Extension	Resi. - Residential
Facil. - Facilities	Reso. - Resolution
FY - Fiscal Year	Rev. - Revenue
Gar. - Garage	Roch. - Rochester
Gov. - Government	Svs. - Services
Hear. - Hearing	Tbld. - Tabled
Incr. - Increase	Tech. - Technology
Indus. - Industrial	Tr. - Transmittal
Int. - Introduced, Introductory	Var. - Various
	Wid. - Width
	Zon. - Zoning

10TH WARD TIGERS

Amend. 2013-14 Budget by approp. forfeiture funds and auth. agreements, Tr. letter, 291, Pssd., 293

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-A-

AC CENTER, INC.

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AECC ENVIRONMENTAL CONSULTING

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AIDS CARE

Auth. agreements for Housing Opportunities for Persons with AIDS Program and amend. ordinances, Tr. letter, 212, Pssd., 214

ATM ROCHESTER LLC

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ATM SERVICES

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ACTION FOR A BETTER COMMUNITY

Auth. agreement for Joint Energy Conservation Program and amend. Ord. No. 2011-322, Tr. letter, 110, Pssd., 110

Approp. funds and auth. agreements for Emergency Assistance Repair Program, Tr. letter, 311, Pssd., 312

Auth. street manager agreements, Tr. letter, 342, Pssd., 343

AGING IN PLACE HOME MODIFICATION PROGRAM

Amend. Ord. No. 2011-322 relating to Home Repair Programs, Tr. letter, 151, Pssd., 151

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AIDS CARE

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Bond ord. auth. issuance of \$826,000 bonds to finance cost of reconstruction of certain streets as part of Akron St. Group Improvements Proj., Tr. letter, 86, Pssd., 87

Bond ord. auth. issuance of \$413,000 bonds to finance reconstruction of var. water mains related to Akron St. Group Improvements Proj., Tr. letter, 86, Pssd., 88

Establishing max. comp. for professional svcs. agreement for Akron St. Group Improvements Proj. and approp. funds and amend. Ord. No. 2012-245, Tr. letter, 86, Pssd., 89

ALEXANDER STREET

L.I.O. - Upgrading of street cleaning for East Ave./Alexander St. Entertainment District, Tr. letter, 119, Pub. hear., 100, Pssd., 121

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ALTA PLANNING + DESIGN

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ALTERNATIVES FOR BATTERED WOMEN, INC.

Auth. agreements for Emergency Solutions Grants Program, Tr. letter, 276, Pssd., 278

AMERICAN LOSS PREVENTION SERVICES, INC.

Auth. amend. agreement for elevator inspection svcs., Tr. letter, 424, Pssd., 424

AMERICAN TAX FUNDING, LLC

Auth. bulk sale of delinquent tax liens, Tr. letter, 426, Pssd., 427

AMES STREET

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Bond ord. auth. issuance of \$85,000 bonds to finance cost of environmental clean-up of 540 Jefferson Ave., Tr. letter, 222, Pssd., 223

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ment Proj., Tr. letter, 408, Pssd., 408

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2013-2 - Reso. approv. reappointment to Board of Ethics, Tr. letter, 4, Adpt., 4

2013-3 - Approv. 2012-13 debt reso. for City School District, Tr. letter, 6, Adpt., 7

2013-4 - Reso. approv. appts. to Board of Assessment Review, Tr. letter, 31, Adpt., 32

2013-5 - Approv. Dept. of Environmental Conservation grant appl. and agreement, Tr. letter, 59, Adpt., 59

2013-6 - Reso. approv. appt. to Downtown Enhancement Advisory Committee, Tr. letter, 62, Adpt., 62

2013-7 - Reso. approv. reappointments to Elevator Examining Board, Tr. letter, 109, Adpt., 109

2013-8 - Reso. approv. reappointment to Board of Examiners of Stationary Engineers and Refrigeration Operators, Tr. letter, 109, Adpt., 110

2013-9 - Reso. approv. reappointments to Examining Board of Plumbers, Tr. letter, 109, Adpt., 110

2013-10 - Reso. approv. appt. to Roch. Environmental Commission, Tr. letter, 150, Adpt., 151

2013-11 - Reso. for purpose of home rule message regarding State legislation relative to alienation and acq. of parkland for Tryon Park, Tr. letter, 151, Adpt., 152

2013-12 - Reso. approv. appt. to Roch. Public Library Board of Trustees, Tr. letter, 186, Adpt., 187

2013-13 - Reso. approving 2013-14 debt limit for general mun. purposes, Tr. letter, 200, Adpt., 202

2013-14 - Reso. supporting Consolidated Funding Grant Appl., Tr. letter, 240, Adpt., 243

Reso. auth. preparation of District Plan for Downtown Business Improvement Dist., Tr. letter, 328, Held, 329

2013-15 - Reso. supporting proj. labor agreement for Port of Roch. Redevelopment Proj., Tr. letter, 387, Adpt., 388

2013-16 - Reso. approv. appts. to Board of Assessment Review, Tr. letter, 393, Adpt., 393

2013-17 - Reso. approv. appt. to Roch. Public Library Board of Trustees, Tr. letter, 396, Pssd., 396

2013-18 - Reso. approv. appts. to Zoning Board of Appeals, Tr. letter, 399, Adpt., 400

2013-19 - Reso. approv. appts. to Roch. Preservation Board, Tr. letter, 400, Adpt., 401

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2013-20 - Reso. approv. appt. to City Council, Tr. letter, 420, Adpt., 420

2013-21 - Approv. 2013-14 debt reso. for City School District, Tr. letter, 424, Adpt., 425

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ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK INC.

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ROCHESTER ARTS FESTIVAL, INC.

Establishing max. comp. for agreement for Roch. Fringe Festival, Tr. letter, 237, Pssd., 238

ROCHESTER BICYCLE BOULEVARDS PLAN

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ROCHESTER BICYCLE TRAILS PROJECT

Approp. funds and approv. agreement for Roch. Bicycle Trails Proj. and amend. Ord. No. 2012-264, Tr. letter, 445, Pssd., 446

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ROCHESTER COLONIAL MANUFACTURING ASSOCIATION

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ROCHESTER COMMUNITY WAR MEMORIAL TERRACE PROJECT

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ROCHESTER CONVENTION CENTER MANAGEMENT CORPORATION

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ROCHESTER GAS & ELECTRIC CORPORATION

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ROCHESTER INSTITUTE OF TECHNOLOGY

Auth. agreements with respect to Proj. IMPACT X, Tr. letter, 177, Pssd., 178

Auth. amend. agreement for Roch. Youth Violence Partnership Hospital Based Intervention Program and amend. 2013-14 Budget, Tr. letter, 453, Pssd., 454

ROCHESTER INTERNATIONAL JAZZ FESTIVAL, LLC

Establishing max. comp. for agreement for 2014 Xerox Roch. International Jazz Festival, Tr. letter, 373, Pssd., 374

ROCHESTER JOINT SCHOOLS CONSTRUCTION BOARD

Approv. certain matters and auth. execution and delivery of specified documents in conjunction with 2013 phase of Roch. Joint Schools Construction Board Facilities Modernization Program, Tr. letter, 144, Pssd., 145

ROCHESTER LAND BANK CORPORATION

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ROCHESTER/MONROE COUNTY CONTINUUM OF CARE

Auth. agreement for Roch./Monroe County Continuum of Care and amend. Ord. no. 2011-347, Tr. letter, 53, Pssd., 53

Auth. agreement for Emergency Solutions Grants Program and amend. Ord. No. 2013-42, Tr. letter, 309, Pssd., 310

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approv. applications, agreements and 2013 admin. and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 330, Pssd., 331

ROCHESTER PHILHARMONIC ORCHESTRA

Establishing max. comp. for agreement with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 76, Pssd., 76; Tr. letter, 423, Pssd., 423

ROCHESTER PRESERVATION BOARD

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ROCHESTER RESEARCH ASSOCIATES, LLC

Establishing max. comp. for professional svcs. agreements for Midtown Redevelopment Proj. and approp. funds and amend. 2012-13 Budget, Tr. letter, 62, Pssd., 67

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ROCHESTER URBAN RENEWAL AGENCY

Approv. sale by Roch. Urban Renewal Agency to Excellus Health Plan, Inc. of 165 Court St. in Washington Sq. Urban Renewal Proj., Tr. letter, 154, Pub. hear., 139, Pssd., 155

ROCHESTER WALKS PROGRAM

Establishing max. comp. for professional svcs. agreement for Roch. Walks Program, Tr. letter, 15, Pssd., 15

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ROCHESTER YOUTH VIOLENCE PARTNERSHIP HOSPITAL BASED INTERVENTION PROGRAM

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ROCHESTER'S CHILD, INC.

Auth. agreement for Parent Leadership Training Institute, Tr. letter, 231, Pssd., 232

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ROY TEITSWORTH, INC.

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SJB SERVICES, INC.

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SMG

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S&P DEVELOPERS, INC.

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ST. JOSEPH'S GARAGE

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ter, 306, Pssd., 307

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L.I.O. - Security at Public Mkt., Tr. letter, 97, Pub. hear., 71, Pssd., 99

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2013 and expiring June 30, 2014, Tr. letter, 191, Pub. hear., 184, Pssd., 197

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Bond ord. auth. issuance of \$964,000 bonds to finance cost of 2013 Parking Garage Repair and Reconstruction Program, Tr. letter, 57, Pssd., 59

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Establishing max. comp. for professional svcs. agreement for Center City skate park, Tr. letter, 27, Pssd., 28

Establishing max. comp. for professional svcs. agreement for City Hall Generator Proj., Tr. letter, 83, Pssd., 83

Establishing max. comp. for professional svcs. agreement for Akron St. Group Improvements Proj. and approp. funds and amend. Ord. No. 2012-245, Tr. letter, 86, Pssd., 89

Establishing max. comp. for professional svcs. agreement for Stutson St. Improvement Proj., Tr. letter, 353, Pssd., 356

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Approv. pav. width changes and changing traffic flow on Probert St. from two-way to one-way southbound, Tr. letter, 61, Pub. hear., 30, Pssd., 62

Establishing street widths and approv. geometric and traffic flow changes for Midtown Redevelopment Proj., Tr. letter, 62, Pub. hear., 30, Pssd., 65

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Amend. Official Map by dedicating parcel for N. River St., Tr. letter, 91, Pub. hear., 71, Pssd., 93

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Bond ord. auth. issuance of \$300,000 bonds to finance reconstruction of var. water mains related to Melville St. Group Improvements Proj., Tr. letter, 224, Pssd., 228

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