

Agenda Item #1

The following is a report of the licenses issued and collections made in the Office of the City Clerk during the month of December 2010

				<u>CONTROLLER</u>	<u>TOTAL</u>
A1255-001	A012	Vital Statistics		\$ 3,820.00	\$ 3,820.00
A1255-004	A013	Copies of Records		\$ 584.00	\$ 584.00
A1255-004	A013	Certificates of Marriage		\$ 360.00	\$ 360.00
A2501-014	A046	Electrician - Active		\$ 3,600.00	\$ 3,600.00
A2501-014	A046	Electrician - Inactive		\$ 680.00	\$ 680.00
A2501-016	A047	Stationary Engineers		\$ 1,520.00	\$ 1,520.00
A2501-021	A048	Amusement Games		\$ 770.00	\$ 770.00
A2542-000	A053	Dogs/N County Treasurer	\$ 233.82	\$ -	\$ 233.82
A2542-000	A053	Dogs/NYS Agr. & Mkts	\$ 87.00	\$ -	\$ 87.00
A2542-000	A053	Additional Dogs		\$ 1,543.68	\$ 1,543.68
A2545-001	A054	Marriage License/NYSHD	\$ 810.00	\$ 270.00	\$ 1,080.00
A1255-002	A123	Commissioners of Deeds		\$ 5.00	\$ 5.00
A2545-010	A128	Petroleum - Retail		\$ 70.00	\$ 70.00
A2501-599	A130	Horse Drawn Carriages		\$ 150.00	\$ 150.00
A2545-023	A318	Hunters/NYS DEC RAU	\$ 68.97	\$ -	\$ 68.97
A2545-023	A318	Hunters Fees		\$ 4.03	\$ 4.03
A1255-003	A499	Notary Fee		\$ 18.00	\$ 18.00
A1255-005	A528	Dog Release		\$ 350.00	\$ 350.00
TA63008	A597	Marriage Performance		\$ 675.00	\$ 675.00
TOTAL:			<u>\$ 1,199.79</u>	<u>\$ 14,419.71</u>	<u>\$ 15,619.50</u>

Check #	<u>51135</u>	Niagara County Treasurer	\$ 233.82
Check #	<u>51175</u>	NYS Dept.of Arg. & Mkts	\$ 87.00
Check #	<u>51133</u>	NYS Health Department	\$ 810.00
Check #	<u>ET</u>	NYS DEC RAU	\$ 68.97

Agenda Item #2

RE: Additional Extension of Contract with SPCA

Council Members:

The City and the SPCA continue to negotiate a new contract. In the meantime, it is desirable to extend the existing agreement on the same terms. Attached is a copy of an additional Extension Agreement which has been executed by the SPCA.

Will the Council approve an additional extension of the agreement dated December 16, 2008 on the same terms and conditions and authorize the Mayor to execute an additional extension agreement?

Agenda Item #3

RE: Agreement with the Niagara County Office of the Aging for the Use of the LaSalle Facility

Council Members:

Annually the City enters into an agreement with the Niagara County Office for the Aging to allow the County to lease space in the LaSalle Facility for the operation of its nutrition site in exchange for an annual lease payment totaling \$2,431.00

Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Agenda Item #4

**RE: Niagara Falls Police Motor Vehicle Theft and Insurance Fraud
Prevention Grant**

Council Members:

The Police Department has received a grant of \$35,000.00 for the calendar year 2011 under the above-referenced grant program.

No City match is required.

Will the Council approve acceptance of the grant and authorize the Mayor to execute any Agreements or other documents necessary to effectuate this?

Agenda Item #5

RE: *Store Front Creation on Old Falls Street*

Council Members:

Liro Engineers, Inc. has previously done some initial design and engineering work on the above referenced project. It is desirable to allow them to continue in order to advance this project. Their "on call" contract with the City dated October 7, 2009 may be used in order to facilitate this project. Liro's fees for this work are not anticipated to exceed \$23,000.00. The City Council, at its meeting on September 20, 2010 previously approved a \$200,000.00 transfer from the Special Projects fund balance in order to move this project forward.

Will the Council approve Liro Engineers, Inc. to proceed with its work on this project pursuant to the October 7, 2009 contract and confirm that funding for this project, including the design and engineering component, be paid pursuant to the previously adopted resolution?

Agenda Item #6

**RE: Evening Parking Agreement for 418 Third Street Associates, LLC
Evening Public Use of Private Parking Lot Bank of America Building (the
"Premises").**

An agreement for the above matter has been negotiated with representatives of 418 Third Street Associates, LLC, which owns the 108-space surface parking lot at the subject premises. The agreement would permit public use of the lot, associated with patronizing businesses in the Third Street District, during the hours of 6:00 PM to 3:00 AM each evening. The term of the agreement would be five years, running from February 1, 2011 to January 31, 2016. In consideration of the evening public use of the Premises, the City would agree to reimburse the owner an amount not to exceed \$25,000 for documented expenses associated with capital maintenance/upgrades to the parking lot including milling, paving, concrete islands, lighting, etc. Funding is available from Casino Revenues.

The agreement may be terminated by either party upon a 120-day written notice but if terminated by the owner at any time within the first 24 months, the owner would be required to re-pay 100% of any reimbursement received. If the agreement is terminated by the owner after the first 24 months, the owner would be required to re-pay the un-depreciated amount of any reimbursement received according to a straight-line schedule included in the agreement.

Therefore, it is the recommendation of the undersigned that the aforementioned agreement be executed and an amount not to exceed \$25,000 be earmarked for reimbursement of documented rehabilitation/upgrade expenditures.

Will the Council vote to so approve and authorize the Mayor to execute the agreement in a form acceptable to the Corporation Counsel

Agenda Item #7

RE: *Interns to Assist in the Planning Department*

Council Members:

As a result of the departure of a staff planner, the City's Planning Department is in need of part-time assistance to conduct research tasks and various other assignments delegated by the Senior Planner. The cost to fund these intern positions is \$10,765.00 inclusive of FICA. Funding is available from account# A.1990.7650.0449.000.

Agenda Item #8

**RE: City Council Agenda Item:
Old Stone Chimney, Consulting Services, Contract
\$42,300.00 Engineering & Design Contract
Hamilton Houston Lownie (HHL) Architects**

Council Members:

In connection with the upcoming celebration of the Bi-Centennial of the War of 1812, the City intends to showcase the historic "Old Stone Chimney," which is presently located in Porter Park and embedded into an embankment of the Robert Moses Expressway.

With the transportation proposal to substantially reconfigure of the Robert Moses Expressway interchange at John B. Daly Boulevard in preliminary design, it is expected that the southern edge of Porter Park and more importantly the Old Stone Chimney will likely be impacted by related construction activities. To properly showcase the Old Stone Chimney as part of the City's War of 1812 Bi-centennial celebrations, professional consultant services are required to effect its relocation to a more appropriate location where its long-term preservation and heritage interpretation can be reasonably assured.

Therefore, the Department of Planning and Economic Development is recommending that Hamilton Houston Lownie (HHL) Architects be retained to provide the advice, design, engineering, and historic interpretation work necessary to effectuate the Old Stone Chimney's re-location as outline in the attached scope of work.

Funding for these consulting services was approved on June 14, 2010 and is available from Special Project Fund.

Will the Council so approve and authorize the Mayor to execute an agreement in a form acceptable to the Corporation Counsel?

Scope of Work

HHL

Relocation of the "Old Stone Chimney"
January 7, 2010

1. The Consultant will inspect the OSC and develop an analysis of current conditions.
 - a. This analysis will include accessing the top of the chimney structure and performing a condition assessment to determine the current condition.
 - b. The Consultant will perform an exploratory dig/probe on the foundation to determine how much room there is to work with for support purposes.
 - c. At this time we believe that there are three possible methods to approach moving the chimney to the desired location:
 - i. Match mark stones. disassemble and rebuild at new location.

ii.

Divide the chimney along natural lines into at least three sections for handling and reassembly by crane.

iii.

Relocate the chimney in one piece to the new location.

Each of these potential methods has positives and negatives relative to determining compliance with Preservation requirements. stress to the structure and cost.

2.

The Consultant will integrate the conceptual master development plans that identify the proposed chimney relocation site and long range plans for the Robert Moses Parkway.

3.

The Consultant will develop access and egress option(s) to the site from both north and south of the Robert Moses Parkway that coordinate with these plans.

4.

These will be added to the materials developed in the September 14 proposal to create more comprehensive visuals that will be discussed with stakeholders including SHPO.

5.

The Consultant will review the relocation proposal with the State Office of Parks, Recreation and Historic Preservation to obtain concurrence with the basic proposal and approval for implementation.

6.

The Consultant, in concert with your office, will do the same with the NY Power Authority to obtain concurrence with the basic proposal and approach for implementation.

7.

The Consultant will develop engineering requirements for the relocation of the OSC from Porter Park.

8.

The Consultant will calculate the weight of the chimney and determine a level of restoration work/bracing requirements necessary to ensure a safe move for all three methods.

9.

The Consultant will research any utility relocations, research underground and overhead utilities along the move path as well as verify DOT and local permit requirements. This, in our experience, can be a time consuming process.

10. The Consultant will develop budget estimates for the three move options.

Scope of Work

HHL

HHL

Relocation of the "Old Stone Chimney"

January 7, 2010

II. Based on the foregoing, the Consultant will determine the feasibility and best methodology for the move.

12. The Consultant will require a topographic survey of the proposed site which is needed for Phase 2 and copies of existing planning documents for work on items 2.3& 4.

I.

The Consultant will meet with you and agencies having jurisdiction of one form or another, to arrive at consensus of the preferred method of moving the chimney as well as the preliminary cost estimate associated with the move. The cost estimates for the new foundation, which will be done by Boer & Associates, the cost consultant for this part of the project, will include a nominal amount for minimum site work at the new location. The conditions report will be formalized to inform Task 2.

2.

Following this agreement, the Consultant and sub-consultants will develop construction documents and specifications for bidding, including the design of a new foundation for the chimney. If test borings of the site do not exist, the Consultant will assist the City in obtaining appropriate boring data. Syracuse Engineers has included drafting the requirements of the Soils Report in their proposal to us.

Contract documents will specify the Bracing & Restoration requirement both preceding and following the move.

3.

The Consultant will develop a general method statement for the work and develop performance-based criteria for evaluating contractors.

4.

The Consultant does not include the costs of material sampling and testing, such as the mortar, that may be required.

I.

The Consultant will assist the City in advertising for and obtaining bids for the move/restoration work.

2.

The Consultant will assist in the review of contractor methodology and the recommendation of contract award.

The Consultant will provide services during construction including weekly construction

meetings, observation of pre-move conditions and readiness as well as observation of the restoration work that will be done at the new chimney location. The Consultant estimates an eight week construction period presuming that all required permits are in

place at the onset of work and all agencies having jurisdiction are in concert with this schedule.

Scope of Work

HHL
HHL
Relocation of The "Old Stone Chimney"
January 7, 2010

Other normal services during construction such as shop drawing review, payment requisition review and processing, as well as punch list preparation at substantial completion of the work will all be done as part of this phase of the project.

Fee Proposal

We and our consultants have carefully examined the work to be done and have targeted our most qualified staff to undertake the tasks enumerated. The result is a

fee proposal breakdown as follows:

Phase 1
 I-11-IL Arc 1, elevs
 International Chimney
 Syracuse Engineers
 Total Phase 1
 \$7,560.00
 \$4,800.00
 \$ 1,000.00
 \$13,360.00

Phase 2
 HHL Arc 1, elevs
 International Chimney
 Syracuse Engineers
 Boer & Associates Cost Consultants
 Total Phase 2
 \$8,420.00
 \$5,400.00
 \$3,000.00
 \$2,500.00
 \$19,320.00

Phase 3
 HILL
 Arch elevs
 International Chimney
 Syracuse Engineers
 T0101 Phase 3
 \$5,920.00
 \$2,200.00
 \$1,500.00
 \$9,620.00

TOTAL PROPOSED FEE
 Reimbursable expenses are not included.
 \$42,300.00

Agenda Item #9

RE: 2009 - 2013 Memorandum of Agreement between the City of Niagara Falls and the Niagara County Building Trades.

Council Members:

Attached please find the proposed 2009 - 2013 Memorandum of Agreement between the City of Niagara Falls and the Niagara County Building Trades Council. This proposed Agreement is a 5-year extension of the parties Collective Bargaining Agreement.

Will the Council so approve and authorize the Mayor to execute the same?

Agenda Item #10

RE: Agreement with Niagara Fine Arts Program, Inc.

Council Members:

Niagara Fine Arts Program, Inc. has once again offered to organize and provide Concert Programs during the months of June, July and August on Friday evenings in the Downtown area and on Sunday evenings at the steps of the NACC. The cost to the City for the Concert Programs on Friday evenings in the Downtown area will be \$18,200.00 and the cost to the City for the Concert Series on Sunday evenings inclusive of the Ontario House Jazz Tribute, will not exceed \$16,200.00. Attached are proposals from the Niagara Fine Arts Program Inc.

Funding is available as follows: \$20,000 from the concert line of the Tourism budget (T.6410.0000.0449.068), \$2,000.00 from the Ontario House Jazz Festival Line of the Tourism budget (T.6410.0000.0449.069) and \$12,400.00 from the 2010 Tourism Fund Balance.

Will the Council so approve and authorize the Mayor to execute an Agreement in a form acceptable to the Corporation Counsel?

Agenda Item #11

*RE: Request for Approval to Settle and Pay Claim of National Fuel Gas Distribution
6363 Main Street, Williamsville, NY 14221*

Council Members:

Date Claim Filed:	September 14, 2009
Date Action Commenced:	N/A
Date of Occurrence:	August 3, 2009
Location:	3314 D Street, Niagara Falls, New York
Nature of Claim:	Damage to gas line while removing tree and roots
Status of Action:	Claim stage.
Recommendation/Reason:	Best interests of City to pay claim.
Amount to be Paid:	\$504.59
Make Check Payable to:	National Fuel Gas Distribution Corporation
Conditions:	General Release to City, approved by Corporation Counsel.

It is the recommendation of this Department that the above claim be paid under the terms set forth above. Will the Council so approve?

Agenda Item #12

RE: Resolution 2011-4

Please be advised that Mayor Paul A. Dyster on January 11, 2011 duly approved the following:

Resolution 2011-4, relative to Amending Chapter 701 Codified Ordinances Entitled "Animals, Fowl, and Dogs"

Agenda Item #13

RESOLUTION No. 2011-

RELATIVE TO EXTENDING THE MORATORIUM UPON
CONSIDERATION OF APPLICATIONS FOR PAWN BROKERS/SECOND-HAND DEALERS

BY: Council Chairman Samuel Fruscione

WHEREAS, at its November 1, 2010 meeting this Council imposed a 90-day Moratorium on the consideration of applications for pawn broker and second-hand dealer licenses; and

WHEREAS, this Moratorium will expire on January 31, 2011; and

WHEREAS, the review of the Ordinances is not yet completed.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that: the Moratorium on the consideration of applications for pawn brokers and second-hand dealer licenses be extended to April 30, 2011.