

Agenda Item #1

**SUBJECT:** Bid #13-13 Concrete

We respectfully request you award the above references bid as follows:

TO: United Materials  
3949 Forest Parkway  
North Tonawanda, NY 14120

FOR: Concrete 3500 PSI, ASTM size 1: \$98.21/cu. yd.  
Concrete 3500 PSI, ASTM size 67: 98.21/cu. yd.  
Concrete 4000 PSI ASTM size 69: 100.64/cu. yd.

**Additional charges:**  
Heated Aggregate: 10/15-10/31 and 4/15-4/30 (hot water): 4.00/cu. yd.  
Heated Aggregate: 11/1-4/15 (winter charge): 8.00/cu. yd.  
Retarder Agent 3500#: 2.37/cu. yd.  
Retarder Agent 4000#: 2.57/cu. yd.  
Calcium (1% dosage) 3500#: 7.22/cu. yd.  
Calcium (1% dosage) 4000 #: 7.82/cu. yd.  
Short Load Charge, 6 cu. yd. and under: 75.00/load  
Waiting Time: 1.25/minute  
Fuel Surcharge: 10.00/load

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to two (2) vendors. One bid was received.

Funds for these expenditures are available in various departments Construction/Repair Materials code: .0419.006.

Will the Council so approve?

Agenda Item #2

**SUBJECT:** Bid #18-13 Heavy Equipment Rental

We respectfully request you award the above referenced bid as follows:

National Vacuum Corporation

408 47<sup>th</sup> Street

Niagara Falls, NY 14304

Item #: 1 per the attached tally sheet.

Green Environment Specialists, Inc.

8335 Quarry Road

Niagara Falls, NY 14304

Item #'s: 10, 11, 36 and 37 per the attached tally sheet.

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Ten (10) vendors. Three (3) bids were received.

Funds for this expenditure are available in the various department equipment rental codes: .0442.003 and .0442.599.

Will the Council so approve?

Agenda Item #3

**SUBJECT:** Bid #23-13 Playground Equipment for Gill Creek Park

We respectfully request you award the above referenced bid as follows:

TO: R.E. Woodson, Inc.

3520 Dewey Avenue

Rochester, NY 14616

FOR: Purchase and Installation of Playground Equipment and safety surfacing  
located at Gill Creek Park in Niagara Falls per attached tally sheet.

\$77,037.00

The City Purchasing Division certifies that all bids were solicited in accordance with Section 103 of the General Municipal Law.

Notice that bids were to be received was advertised in the Niagara Gazette and bids were sent to Four (4) vendors. Three bids were received. The above referenced company submitted the overall low bid.

Funds for this expenditure will be provided jointly from a 2012 United States Department of Housing and Urban Development Community Development Block Grant (\$38,518.00) and a Niagara Falls City School District Niagara Greenway Grant (\$38,518.00).

Will the Council so approve?

Agenda Item #4

**SUBJECT: CHANGE ORDER #3 & FINAL – TVGA  
PIN 5755.42 NIAGARA FALLS SIGNAL PROJECT (3) INTERSECTIONS**

A contract for the above referenced project was awarded to TVGA on December 4, 2006 in the amount of \$92,000.00. Change Order #1 was approved by City Council on May 10, 2011 in the amount of \$48,000.00. Change Order #2 was approved by City Council on May 14, 2012 in the amount of \$55,000.00.

The consultant for this project incurred costs well beyond their contractual obligations as a result of both changes in scope and delays, both seasonal and administrative. The total for extra work due TVGA is \$44,295.00, bringing their total fee to \$239,295.00.

It is important to note that these costs are 95% reimbursable and form half the basis for a pending Supplemental Agreement from the New York State Department of Transportation approved by this Council on May 29<sup>th</sup> of this year. This particular Council action today will allow the City to make use of the funds that we have received as of August 13, 2013.

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

Agenda Item #5

**SUBJECT: CHANGE ORDER #1 & FINAL - \$41,000.00**  
**2013 CHIPS SIDEWALK REPLACEMENT PROJECT**

A contract for the above referenced project was awarded to Valeri Concrete Construction, Inc. on April 1, 2013 in the amount of \$237,400.00.

Subsequent to the receipt of Casino funding, it was determined by the undersigned to extend the City's annual sidewalk replacement contract by approximately \$250,000.00. In order to do so in an effective and timely manner, the City opted to extend the original CHIPS 2013 Sidewalk Replacement Contract by its maximum percentage ( $\pm 20\%$ ) while simultaneously pursuing a second set of competitively-obtained bid prices. To that end, it is the request of the undersigned that \$41,000.00 of additional CHIPS funding be allocated to the 2013 Sidewalk Replacement Contract, bringing the contract total to \$278,400.00. Please note that the entire contract is funded, on a reimbursement basis, by the NYSDOT CHIPS Program and existing agreements with the Niagara Falls Water Board. Funding is available in code A.5110.0200.0300.000.

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

Agenda Item #6

**SUBJECT: CHANGE ORDER #1 & FINAL \$29,700 – 2013 DRAINAGE STRUCTURE REPLACEMENT AND REPAIR PROJECT**

A contract for the above referenced project was awarded to Yarussi Construction, Inc. on April 1, 2013 in the amount of \$131,910.00.

Subsequent to the receipt of Casino funding, it was determined by the undersigned to extend the City's annual drainage structure replacement contract by approximately \$30,000.00. In order to do so in an effective and timely manner, the City opted to extend the original 2013 Drainage Structure Replacement and Repair Contract by its maximum percentage ( $\pm 20\%$ ) while simultaneously pursuing a second set of competitively-obtained bid prices. To that end, it is the request of the undersigned that \$29,700.00 of CHIPS funding be allocated to the 2013 Drainage Structure Replacement and Repair Contract, bringing the contract total to \$161,610.00. Please note that the entire contract is funded, on a reimbursement basis, by the NYSDOT CHIPS Program. Funding is available in code H0313.2013.0313.0419.006.

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

Agenda Item #7

**SUBJECT: NIAGARA FALLS HISTORIC CUSTOMHOUSE RESTORATION  
PROJECT PIN 5758.04 - CHANGE ORDER #1**

Wendel and their sub consultants Watts Engineers & KTA Preservation have incurred \$90,661.36 in additional fees through December 2, 2012. This represents the cost of continued inspection services and administration of the contract for an additional 14 months past the expiration of the contractors' final completion deadline.

Wendel and their subconsultants continue to assist the City with the administration of the contract including the claims process as well as the close out of the project on a Time & Expense basis with costs as follows: \$45,653.80 to include administration of claims and final completion project with the necessary construction inspections and construction contract administration.

The continued inspection and administration costs were necessary to ensure the compliance with the FHWA and NYS Parks Office of Historic Preservation requirements under Section 106 of the National Environmental Policy Act.

In addition to date, Wendel has provided litigation support in defense of the legal action taken by the contractor also on a Time and expense basis with a cost to date of \$45,007.56 and it is anticipated that an additional \$15,000.00 in cost will be incurred.

Wendel's scope of work has been according to the original contract. Funding is available in code H0401.2002.0401.0453.000

Original Contract Amount:	\$495,000.00
Change Order No. 1:	<u>\$105,661.36</u>
Revised Contract Amount:	\$600,661.36

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

## Agenda Item #8

*RE: Implementation of City Wide Parking System*

Council Members:

On November 30, 2011 the City entered into a Development Agreement with Niagara County Community College (NTCC) and USA Niagara Development Corporation (USAN) which, among other things, provided for USAN to make approximately nine million dollars in improvements to the Rainbow Ramp (the "Ramp"). As part of this Development Agreement, the City is required to submit to USAN a parking plan each year for 10 years for the City's management of the Ramp. This plan must include a preventative maintenance and repair program as well as revenue collection and control measures. A financial/expenditure plan is also required which is intended to maximize revenues. This gave rise to the City also scrutinizing its management of on-street parking practices as well as the management of the City-owned parking lots.

In 2011, the Administration began to conduct internal discussions about addressing parking issues and concluded that it was desirable to retain a consultant to analyze the City's parking situation and make recommendations as to improvements that could be made and revenues that could be anticipated from implementing those recommendations. A request for proposals was circulated, the responders interviewed and a determination was made that the proposal submitted by Desman Associates could best serve the City's interest. Accordingly, the City retained Desman Associates and Desman proceeded to conduct its study and made recommendations for the City to implement in order to move forward. While the recommendations made by Desman Associates were responsive, the City, at that time, did not have the resources to move forward with the implementation of those recommendations.

In addition to recommending a centralizing of parking operations, Desman Associates recommended the installation of new equipment in the Ramp, new equipment for each lot, including Pay-and-Display systems, as well as on-street Pay-and-Display equipment. There were also recommendations pertaining to hourly rates, etc. Based upon its preliminary projections, Desman Associates estimated that the proposed downtown parking system enhancement recommendations could generate in excess of one million dollars in positive cash flow annually from the downtown parking system, assuming the City pays up front for the initial expenditure using casino revenues. The cash to implement the system is not expected to exceed one million dollars.

The City is now in receipt of its long awaited casino revenues. Section 99h of the State Finance Law makes it very clear that an appropriate expenditure of casino revenues is for projects in the nature of economic development. The implementation of the recommendations made by Desman Associates fits squarely within this definition.

Will the Council authorize the expenditure of one million dollars in casino revenues to implement the recommendations described in the Parking Improvement Plan and authorize the Mayor to execute any agreements for such implementation in form satisfactory to the Corporation Counsel?

Agenda Item #9

*RE: Modern Disposal Bill for Removing Storm Debris*

Council Members:

The Director of DPW is in receipt of a bill from Modern Disposal for services rendered as a result of the July 2013 storm event. This was to assist in clean up. The bill is attached hereto and is in the amount of \$16,253.75. Funding to pay this bill is available in general fund balance to be utilized for unanticipated events. This bill will be submitted to the State together with others with a request for reimbursement.

Will the Council so approve?

Agenda Item #10

*RE: Reconstruction of Light Standards at Sal Maglie Stadium*

Council Members:

A section of the light standards at Sal Maglie Stadium has not been in service for quite some time and is in need of reconstruction. It is anticipated that the cost of this reconstruction will be approximately \$20,000.00. Quotes were solicited and Ferguson Electric responded. Funding is available from casino revenues.

Will the Council so approve and authorize Ferguson Electric to accomplish the reconstruction?

Agenda Item #11

*RE: Sign Encroachment for The Vault Nightclub – 8676 Buffalo Avenue*

Council Members:

The operator of The Vault Nightclub at 8676 Buffalo Avenue has proposed the installation of signage on the outside of the building which will encroach into the City's right-of-way. The Planning Board has reviewed this and has made a positive recommendation to the City Council, a copy of which is attached hereto. The owner must comply with the following conditions:

1. The owner will add the City of Niagara Falls as an additional insured on its liability insurance policy.
2. The owner will defend and indemnify the City from liability related to the sign encroachment.
3. The City can revoke the license for the encroachment on sixty (60) days' written notice.
4. The owner must apply for and be issued all applicable permits and inspections.

Will the Council so approve?

Agenda Item #12

*RE: Grant Agreement for Operation Swift Current SH09-1118-D00*

Council Members:

The Police Department has received a New York State grant in the amount of \$5025.00 for the above program which relates to increasing border security. There is no City match required.

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

Agenda Item #13

***RE: Police Department Grant – JAG/Edward Byrne Program-Crime Reduction Program***

Council Members:

The Police Department has received a grant in the amount of \$25,000.00 under the above program for the period of October 1, 2013 thru September 30, 2014. No City matching funds are required.

Will the council approve acceptance of the grant and authorize the Mayor to execute any agreements or other documentation necessary to effectuate same?

Agenda Item #14

*RE: Capital Purchases*

Council Members:

The Director of DPW is requesting the sum of \$1,056,900.00 to be made available for capital purchases. A list of equipment/items to be acquired is attached hereto. Funding is available from casino revenues. This request is being made at this time due to the fact that in some cases it takes approximately six or seven months for these items to be manufactured.

Will the Council so approve?

Agenda Item #15

***RE: Approval to pay Medical Expenses of Kimberly Stanek in the amount of \$35.52***

Council Members:

The above claimant has incurred medical expenses for personal injuries suffered by her when she was a passenger in a City police vehicle which was involved in a motor vehicle accident on November 12, 2011.

Under the New York State No-Fault Law, the City of Niagara Falls, as a self-insured entity, is obligated to pay the claimant's medical expenses arising out of this incident. If the same meets with your approval, please vote to direct the City Clerk to draw a warrant on the City Controller directing her to issue the following check:

<u>Provider</u>	<u>Date of Service</u>	<u>Amount</u>
Cardamone Chiropractic	09/09/2013	\$ 35.52

Please be advised that there may be further medical bills which will have to be paid pursuant to the New York State No-Fault Law.

Will the Council so approve?

**RELATIVE TO HONORING WORD OF LIFE MINISTRIES**

BY:

Council Chair Glenn Choolokian  
Council Member Robert A. Anderson, Jr.  
Council Member Sam Fruscione  
Council Member Kristen Grandinetti  
Council Member Charles Walker

**Word of Life Ministries 25<sup>th</sup> Church Anniversary**

**Whereas**, anniversaries are occasions for compliments and praise and saying many things we don't always say. For often through the passing days we feel deep inside, unspoken thoughts of thankfulness and fond admiration and pride. But words can say so little when the heart is overflowing. And often those we appreciate the most have no way of knowing. The many things the heart conceals and never can impart, for words seem so inadequate to express what's in the heart, and

**Whereas**, on September 21, 2013 Word of Life Ministries, celebrated 25 years of service to God and to the citizens of Niagara Falls, New York, and

**Whereas**, your ministry tells it all: feeding the poor, clothing the needy, providing services to help those gain victory over addiction, visiting those in prison, spiritual guidance and direction to families and children in all aspects of life, nursing home and hospital ministry, support of our court system and police department, support of our youth in and of out of church settings, and

**Whereas**, because of ministries such as Word of Life, Niagara Falls has spiritual minded individuals who come out of prison, out of hospitals and out of poverty with hope and vision and a goal to make not only their lives, but also the lives of those around them better,

**Now therefore be it resolved** that we the Niagara Falls City Council on behalf of the citizens of Niagara Falls, NY do congratulate Pastor Jesse J. Scott, First Lady Minister Joann Scott and the entire Word of Life family on their 25<sup>th</sup> Anniversary. This is one of those occasions for compliments and praise, and you are well deserving of them and more. We appreciate you, your service and your prayers on behalf of this great city.

Prepared by Councilman Charles A. Walker

**RELATIVE TO YOUTH BOARD APPOINTMENTS**

BY: Council Chairman Glenn Choolokian  
Council Member Robert Anderson, Jr.  
Council Member Samuel Fruscione  
Council Member Kristen Grandinetti  
Council Member Charles A. Walker

**BE IT RESOLVED**, that the following individuals are hereby re-appointed to the City of Niagara Falls Youth Bureau for the term expiring on the date which appears opposite their names:

<u>RE-APPOINTMENTS</u>	<u>TERM EXPIRES:</u>
Alexandrea Dell	12/31/2013
Rashad Travis	12/31/2013
Bryan Rotella	12/31/2014

Monday September 30, 2013 Council Meeting

PRESENTATIONS:

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ADMINISTRATIVE UPDATE:

1. 2014 city budget – status