

Item #1

**RE: City Council Agenda Item:
Building Structural Assessment for 3123 Highland Avenue
FRA Engineering-\$12,000**

Council Members:

The administration has been exploring development of 3123 Highland Avenue, a City-owned structure which is also known as the Power City Distribution Warehouse. In order to evaluate future use of the property, we need a better idea of the structural condition of the buildings.

We solicited proposals from engineering firms for a structural assessment of the property. We received the following quotes:

FRA Engineering, P.C (A Tylin Company)	\$12,000.00
Nussbaumer & Clark, P.C.	14,600.00
Liro Engineers, Inc.	19,000.00

We recommend the FRA Engineering proposal. FRA Engineering was the lowest quote. FRA Engineering has done similar work for the City in the past, and is well-qualified to perform the structural assessment. The contract will be a fixed-fee contract with a \$12,000.00 maximum, including all disbursements, travel and related costs. The contract will provide for delivery of the final report 5 weeks from the order to proceed.

Funds are available to pay for this structural assessment in budget line H0404E, 2003 Casino Revenues - Planning.

Will the Council vote to approve hiring FRA Engineering for the structural assessment of 3123 Highland Avenue as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Item #2

SUBJECT: Bid #22-08 70' Over Center Aerial Truck

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

TO: Altec Industries, Inc.

1550 Aerial Avenue

Creedmore, NC 27522

FOR: 70 ft. Hydraulic articulating over center aerial device with chassis: \$143,463.00

Less trade-in of 1995 Teco Model #55-5012 P-2TFS1

aerial device mounted on a GMC chassis: -6,000.00

TOTAL: \$137,463.00

The City Purchasing Agent 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) companies. Two (2) bids were received. In addition to the above referenced company, a bid was also received from R.B. U'Ren Equipment Rental, Inc. (\$173,100.00 less the trade-in of \$3,000.00).

Funds for this expenditure are available in the 2008 Capital Budget code:
H0820.2008.0820.0230.000.

Item #3

SUBJECT: Bid #25-08 Two (2) Single Axle Dump Trucks with Plows

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

TO: Hunter Buffalo Peterbilt
2370 Walden Avenue
Buffalo, NY 14225

FOR: Two (2) Peterbilt Model 340 single axle dump
trucks with a Beau Roc dump body and Viking-
Cives plow and hitch: \$127,151.50 ea. \$254,303.00

The City Purchasing Agent 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. Two (2) bids were received. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital code: H0820.2008.0820.0230.000.

Item #4

SUBJECT: Bid #26-08 16' Dump Bodies

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

TO: STS Trailer & Truck Equipment
590 Elk Street
Buffalo, NY 14210

FOR: Two (2) 16' dump bodies with hook lift
A-frame mounted to body: \$17,200.00 ea. \$34,400.00

The City Purchasing Agent 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 twelve (12) vendors. Two (2) bids were received. The above referenced company submitted the lowest price. A bid was also received from Valley Fab & Equipment, Inc. (\$17,798.50 ea., \$35,597.00 total).

Funds for this expenditure are available in the 2008 Capital code: H0822.2008.0822.0230.000.

Item #5

SUBJECT: Bid #24-08 Concrete

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

TO: United Materials, LLC
3949 Forest Parkway
Suite 100

North Tonawanda, NY 14120

FOR: Concrete 3500 PSI, ASTM size 7:	\$93.24/c.y.
Concrete 3500 PSI, ASTM size 67:	93.24/c.y.
Concrete 4000 PSI ASTM size 7:	95.76/c.y.

Plus additional charges as shown on the attached tally sheet.

The City Purchasing Agent 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. Two bids were received. The above referenced company submitted the lowest prices for each respective item.

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

Item #6

SUBJECT: Bid #23-08 Street Sweeper Parts

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

TO: Joe Johnson Equipment (USA) Inc.
77 Oriskany Dr.
Tonawanda, NY 14150

FOR: Items 3 - 8 per the attached tally sheet.

TO: ODB
5118 Glen Alden Drive
Richmond, VA 23231

FOR: Item 1, 2 and 9 - 13 per the attached tally sheet.

The City Purchasing Agent 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 five (5) vendors. Four (4) bids were received. The above referenced companies submitted the lowest bids for each respective item.

Funds for this expenditure are available in the Department of Parks & Public Works, Street Cleaning code:
A8170.0000.0419.005

Item #7

SUBJECT: Bid #27-08 Leaf Collector/Brush Chipper

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

TO: Snowfighting Equipment & Consultants of Buffalo, Inc.
PO Box 126 South Side Station
Buffalo, NY 14220-0126

FOR: One (1) 25 cubic yard combination leaf collector and brush
chipper collection body with hook lift under-frame: \$39,943.00

The City Purchasing Agent 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 three (3) companies. The above referenced company submitted the lowest bid to meet our specifications.

Funds for this expenditure are available in the 2008 Capital code: H0822.2008.0822.0250.000.

Item #8

RE: Agreement with Niagara University for the Niagara Falls Entrepreneurial School

Council Members:

Enclosed (on file in City Clerk's Office) please find a proposed Agreement between the City and Niagara University for the Entrepreneurial School. The source of funding is the State Grant which appears elsewhere on your Agenda.

Will the Council so approve and authorize the Mayor to execute the attached Agreement?

Item #9

RE: State Aide to Localities Grant for Entrepreneurial Training Program

Council Members:

The City has received a \$25,000.00 grant in the fiscal year 2008-2009 budget for the continuation of the Entrepreneurial Program.

Will the Council approve the acceptance of the grant and authorize the Mayor to execute the State grant agreement and related documents?

Item #10

RE: Ontario House Jazz Reunion

Council Members:

The City is once again helping to sponsor the Ontario House Jazz Reunion. Funding comes from the Tourism Fund.

Attached(on file in City clerk's office) is the budget (including the \$10,965.00 previously approved by Council for the headliner).

Will the Council authorize payment of \$7,580.00 for the expenses listed and authorize the Mayor to execute any necessary agreements in a form acceptable to the Corporation Counsel?

Item #11

RE: Budget Amendment for Firefighter Contractual Raises

Council Members:

The contract with the firefighters was not finalized prior to the adoption of the 2008 Budget. The additional cost for salaries and all fringe benefits as a result of this agreement is \$123,181.00.

Will the Council vote to appropriate this amount from Fund Balance to cover the shortfall in the Fire Department?

Item #12

RE: Vacation Cash Conversion

Council Members:

The 2008 budget did not include vacation cash conversion for 3 Police Officers whose forms were received after the budget deadline.

In the future, any request for vacation cash conversion not received by the deadline will be denied.

Will the Council appropriate \$21, 564.00 from the Fund Balance to cover this short fall?

**RE: City Council Agenda Item:
Hotel Niagara Restoration Project
\$500,00 Casino Revenues Grant**

Council Members:

Last year, Amidee Capital Group, LLC purchased the Hotel Niagara. They plan to restore the historic structure and operate a boutique hotel. The Hotel Niagara, with the United Building and the Jefferson Apartments, are the only remnants downtown of the architecture of the 1920's and earlier that many of us remember so fondly.

Attached is a brief narrative summarizing the restoration project, which includes the creation of substantial construction jobs and over 100 full time and 100 seasonal part time jobs. USA Niagara/Empire State Development Corp. has offered a \$3.5 Million incentive package. We have been asked to provide a \$500,000 grant for the restoration costs.

The project qualifies under the neighborhood revitalization and economic development criteria of State Finance Law 99-h for the expenditure of the annual casino revenues. This project is a major addition to the downtown development mix. The Hotel Niagara was deteriorating from years of neglect, and which the City was in danger of losing.

Grant funds will be disbursed for capital renovation costs. The grantee must submit the standard proof of payment of property taxes, authorization to do business in New York State, etc. In addition, the grantee must demonstrate the availability of the grants, loans and equity necessary to complete the project. The project must be complete by December 31, 2009. Finally, the grantee must agree that the property will remain on the tax rolls for at least ten years (with the standard exemptions available for the renovations).

Will the Council vote to approve the \$500,000 grant of casino revenues as set forth herein, and authorize the Mayor to execute any documents necessary to effectuate the same?

Proposed Restoration of the Hotel Niagara

**Amidee Capital Group, LLC
Giusiana Architects & Engineer**

The historic Hotel Niagara is a 12-story, masonry structure, built in 1924 with eclectic period detailing of Colonial Revival. The 193-room hotel represents early 20th-Century, high-profile architecture with heights made possible by the steel frame and refinement of the elevator. Always holding a prominent spot in the City's skyline, the hotel has served Presidential and Dignitary guests as well as entertainers such as Marilyn Monroe. After decades of deferred maintenance, neglect, and multiple changes in ownership, the Hotel Niagara property had declined to a low budget, limited service hotel property.

In September 2007, Amidee Hotels and Resorts, Inc., a Houston-based real estate group, acquired the property for \$4.9 million. Currently closed for business pending rehabilitation work, Amidee's vision is to fully restore the historic Hotel Niagara and create a full-service destination hotel with the type of amenities available at high-quality boutique resort properties. The proposed \$15.2 million restoration project involves:

- Undertaking upgrades to all 193 guest rooms and hotel common areas.
- A series of new entertainment venues, including the *1924 Grill Lobby Lounge and Restaurant* with 24-hour service; *"Flappers" Mezzanine Continental Cuisine*, a fine dining restaurant with a 1920's jazz atmosphere; and the *"Speakeasy" Rooftop Club*, providing food, beverages and fun with rooftop viewing of the Falls;

- A 4,500-square-foot Grand Ballroom with in-house catering service for 500 people;
- Boutique retail providing upscale shopping for “Made in New York” items; and
- A Spa and Health/Fitness Center.

The soft and grand openings are scheduled to be April and May 2009 respectively. The project would create ~130 full-time jobs, up to ~190 seasonal part-time jobs, and up to ~100 short-term construction jobs.

The Amidee project team, including Giusiana Architects & Engineer of Lewiston, New York and KTA Preservation Specialists of Buffalo, New York, has been in consultation with the New York State Historic Preservation Office with regard to proposed restorations because of the property’s eligibility for inclusion on the State/National Registers of Historic Places. The historic sister building to the United Office Building, the Hotel Niagara building is one of the few remaining structures that pre-date urban renewal-related demolition activities in downtown Niagara Falls.

Amidee Capital Group, LLC, is a private real estate investment firm headquartered in Houston, Texas, owned by James and Judith Cook. Amidee maintains an active role in the commercial real estate industry as a buyer, operator, and seller of properties and as a sponsor of real estate investment funds. Coakley & Williams Hotel Management Company was selected to assist in the renovation and continued operation of the Hotel Niagara. The management company has 35 years of hotel management experience providing services to privately held, franchised and independent hotels throughout the United States.

Item #14

RE: Memorandum of Understanding with CSX

Council Members:

Attached (on file in City Clerk's office) is a proposed Memorandum of Understanding with CSX relative to the new transportation/passenger train station and the Lewiston Road reconstruction project.

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

Item #15

*RE: Chapter 171 of the City's Codified Ordinances
(Benefits of Employees not covered by Collective Bargaining Agreements)*

Council Members:

Please be advised that, for sometime, the Administration has been working on an update of the aforementioned chapter of the City's Codified Ordinances. Consistent with those efforts, the attached (on file in City Clerk's Office) has been submitted for your information and review.

The new Chapter 171, reorganized and updated, features many language changes which would necessitate a repeal of the Chapter's current language. The primary substantive changes, based on the concepts of equity and fairness, were to bring exempt employee benefits in line with that of the City's unionized workforce. This is principally reflected in the areas dealing with workers' compensation, longevity increments, sick leave and severance pay. Please note that any enhancement in these areas are at levels no greater than those previously enjoyed by the City's unions.

Further, the new language that is reflected in the areas of health and dental insurance highlight the City's recent changes with its health care provider and the level of benefits contained in the current memorandum of agreement on health care. Additionally, changes regarding the use of compensatory time will bring the City in compliance with Federal Fair Labor Standards.

Section 171.13, entitled "Recruitment Incentives", has been supplemented in the attached proposal in order to enhance the City's efforts in the recruitment of qualified individuals for various positions within the Administration, specifically department heads. Please note that this proposed Chapter also includes changes with regard to the entitlement of elected officials to certain fringe benefits after retirement from the City.

Will the Council vote to repeal the current language contained in Chapter 171 of the City's Codified Ordinances and adopt a new Chapter 171 which will be entitled "Benefits of Employees not covered by Collective Bargaining Agreements"?

Item #16

RE: Economic Development Position

Council Members:

As the Council is aware, one of the positions that the administration has been seeking to fill is the Director of Economic Development. The Charter currently has Economic Development as part of the Department of Planning, Economic Development and Environmental Services and has a Director position. The 2008 budget did not provide funding for this position.

The City has found a candidate for this position and would request that the Council amend the 2008 budget by setting a salary for this director position at \$100,000 annually. On an annual basis, \$60,000 of this funding would come from City funds and the balance from the Community Foundation for Greater Buffalo's Build a Better Niagara Fund.

Will the Council vote to amend the 2008 budget by creating this position and appropriate from the contingency fund the amount necessary to fund the City's portion of the salary for the balance of the year, together with related benefits?

Item #17

RE: 2008 Niagara Falls Blues Festival

Council Members:

Please find the following list of agreements related to the 2008 Niagara Falls Blues Festival:

1. Downchild Blues Band - performer - \$4,500.
2. Jimmy Thackery- performer - \$4,500.
3. The Rockin' Jake Band – performer - \$1,800.
4. Dave Viterna – performer - \$300.
5. Filter Kings – performer - \$300.
6. The Electras – performer - \$300.
7. The Junkyard Dogs – performer - \$300.
8. Harmonica Dean and Juke Box Scales – performers - \$200.
9. Custom Tent Rental – tent - \$1,000.
10. Mary McCarthy – lighting - \$300.
11. Cataract Sound – sound system - \$750.
12. R.B. U'Ren Equipment – generator - \$450.
13. Gus Posey and Michael Kudela – promotions - \$600.

The total of these agreements would be \$15,300 and funding of the same would come from budget line T.6410.0000.0449.070.

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

SUBJECT: LETTER OF AWARD FOR NEW BASKETBALL COURT AT CITY PLAYGROUND LOCKPORT STREET & NORTH AVENUE

The following was the result of bids received on July 21, 2008, for the above referenced project:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Mark Cerrone, Inc. 2368 Maryland Ave. Niagara Falls, NY 14305	\$ 52,518.20
Yarussi Construction, Inc.	\$ 57,700.00
Armand Cerrone, Inc.	\$ 63,850.00
Valery Contracting, Inc.	\$ 81,620.00

It is the recommendation of the undersigned that this project be awarded to the low bidder Mark Cerrone, Inc., at their Base Bid of \$52,218.50. Funding is available in Community Development Code CPW068 of \$40,000.00. The additional balance of \$12,218.50 will be transferred from Funding Code CRP966.

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

Respectfully submitted,

RESOLUTION No. 2008–

RELATIVE TO HONORING THE MEMORY OF
GERALD J. “JERRY” D’AMICO

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on Thursday, July 17th, 2008, Jerry D’Amico passed away at the age of 74; and

WHEREAS, Mr. D’Amico became the proprietor of D’Amico Music, a local landmark on Pine Avenue in Niagara Falls, New York for over 35 years. The music store was also a haven for ticket sales, and music lessons; and

WHEREAS, Mr. D’Amico was also a booking agent for local performances including the late local guitarist Tommy Tedesco, singer Donna Summer and local bands including China White.

WHEREAS, Mr. D’Amico played the saxophone and later on piano and keyboards. He performed with many notable musicians in Machine, The Jerry D’Amico Group and his band Brimstone that had tenure for over 20 years;

WHEREAS, in 2001, Mr. D’Amico received the Pine Avenue Business Association’s Biggest Asset Award and in 2004, he received the NAMMA Molson Music Award becoming an inductee into their Hall of Fame.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council along with Mayor Paul Dyster**, that we recognize the accomplishments of Mr. Jerry D’Amico and recognize that he will be sorely missed by everyone who had the opportunity to know him and to hear the sounds of his musical talents.

RESOLUTION No. 2008–

**RELATIVE TO THE NOMINATION OF THE
INTERNATIONAL JOINT COMMISSION
FOR A STOCKHOLM WATER PRIZE**

BY:

Council Chair Sam Fruscione

WHEREAS the International Joint Commission (IJC) has existed to oversee the implementation of the Boundary Waters Treaty (1990) between Canada and the U.S.; and

WHEREAS the Boundary Waters Treaty will celebrate 100 years of continuous force and effect governing water resource management along the Canada-U.S. border; and

WHEREAS the Stockholm Water Prize suitably recognizes institutions (among others) for outstanding water-related activities; and

WHEREAS the IJC represents a model of governance for international water stewardship goals.

NOW THEREFORE BE IT RESOLVED, that the Niagara Falls City Council, along with Mayor Paul A. Dyster, take the lead in nominating the International Joint Commission for the 2009 Stockholm Water Prize and take steps to secure endorsement from other relevant actors for the nomination of the International Joint Commission, i.e., the Great Lakes St. Lawrence Cities Initiative (GLSLCI), Association of Municipalities of Ontario (AMO); and local municipalities on both sides of the border.

RESOLUTION No. 2008–

RELATIVE TO DECLARING AUGUST 13TH
CAROLYN VAN SCHAİK DAY

BY:

Council Chair Sam Fruscione
Council Member Robert A. Anderson, Jr.
Council Member Steve Fournier
Council Member Chris Robins
Council Member Charles Walker

WHEREAS, on August 13th, 2008, the Main Street Business & Professional Association is staging its “Sixth Annual Carolyn Van Schaik Memorial” at the Hyde Park Golf Course; and

WHEREAS, this is an occasion which brings together many area residents for a one-time charitable cause – the revitalization of Main Street; and

WHEREAS, Carolyn was the chief author of the “Ten Year Community Revitalization Plan for Main Street” and a dynamic catalyst for the betterment of the City of Niagara Falls; and

WHEREAS, Carolyn was a board member of the Main Street Business & Professional Association who lost her life in a tragic automobile accident six years ago. A portion of the proceeds from the Memorial event will go toward the Van Schiak/Zucco Family’s charitable bequest – namely “Carolyn’s House.” Carolyn was instrumental in obtaining government funding for the program and helped design the concept for Carolyn’s House. The facility includes 10 apartments and, in addition, provides educational life skills and employment services, as well as a Culinary Arts Job Training program; all designed to promote self sufficiency for women and children in the community.

NOW THEREFORE BE IT RESOLVED, by **the Niagara Falls City Council along with Mayor Paul A. Dyster**, that we recognize the accomplishments of Carolyn Van Schaik and proclaim Wednesday, August 13th, 2008 as **CAROLYN VAN SCHAİK DAY in the City of Niagara Falls, New York.**