

ROCHESTER CITY COUNCIL

REGULAR MEETING

September 19, 2023

Present – President Meléndez, Councilmember Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith – 9.

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

THE COUNCIL PRESIDENT --- RECOGNITION CEREMONIES.

Special Recognitions:

Jennifer Feliciano

Retirement:

Administration:

Terrance McCutchen

DRHS:

Larry Gainey

NBD:

Sheila Prince

RFD:

Michael Colletta

RPD:

Brian A. Jones

APPROVAL OF THE MINUTES

By Councilmember Harris

RESOLVED, that the minutes of the Regular Meeting on August 22, 2023 be approved as published in the official sheets of the Proceedings.

Adopted unanimously.

THE CITY CLERK--THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

The Mayor submits the following:

Administration Cancellation or Refund of Erroneous Taxes and Charges for the month of September 2023.

NBD Grants Report for the quarterly period ending June 30, 2023.

THE CITY CLERK – THE FOLLOWING DOCUMENTS ARE HEREBY DIRECTED TO BE RECEIVED AND FILED:

The Council submits Disclosure of Interest Forms from **Councilmember Gruber** on Int. Nos. 346 & 372; **President Meléndez** on Int. Nos. 355 & 373; **Vice President Lupien and Councilmember Harris** on Int. Nos. 352, 362 & 363; **Councilmembers Martin and Smith** on Int. No. 372; **Councilmember Patterson** on Int. No. 373.

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND OTHER COMMUNICATIONS

THE COUNCIL PRESIDENT --- RECEIVED AND FILED

PUBLIC HEARINGS

Pursuant to law, public hearings were held on September 14, 2023 on the following matter:

Authorizing a change in traffic flow, alteration of pavement width and acquisition of easements for the Genesee Street Reconstruction Project (Elmwood Avenue to Brooks Avenue) Int. No. 347

No speakers

Amending the Zoning Map by changing the zoning classification of numbers 1040, 1044, 1100-1170, 1180, 1186-1194 University Avenue Int. No. 353

No speakers

THE COUNCIL PRESIDENT --- INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

President Meléndez introduced a motion to consider Int. No. 374 without referring to a committee. Moved by Councilmember Lightfoot; 2nd by Councilmember Harris. Motion to consider passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2023-26

Re: Re: Pro-Housing Communities Pledge

Council Priority: Neighborhoods

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is a resolution adopting the Pro-Housing Community Pledge. In July of this year, Governor Hochul signed Executive Order 30 creating the ProHousing Community Program. This program rewards local government that are working hard to address New York's housing crisis by prioritizing applications to certain State funding streams amounting to \$650 million.

Cities must submit an application to New York State's Homes and Community Renewal (HCR) agency to be designated and certified as a "Pro-Housing Community." The application requires submission of a letter of intent, a Zoning map and Zoning code summary, a Housing Planning and Building Permit information from the last five years, and an executed Pro-Housing Community Resolution by the relevant governing body.

The pledge outlines a number of proactive measures, listed below, that the City can take to further cement our commitment to address the housing crisis.

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Respectfully submitted,
Michael A. Patterson
Councilmember

Miguel A. Meléndez Jr.
Council President

Mitch Gruber
Councilmember

LaShay D. Harris
Councilmember

Willie J. Lightfoot, Sr.
Councilmember

Resolution No. 2023-26
(Int. No. 374)

Resolution adopting the Pro-Housing Communities Pledge

WHEREAS, the City of Rochester (hereinafter "local government") believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State's economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Rochester that the City, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps:

Section 1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Section 2. Adopting policies that affirmatively further fair housing.

Section 3. Incorporating regional housing needs into planning decisions.

Section 4. Increasing development capacity for residential uses.

Section 5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Section 6. This resolution shall take effect immediately.

Adopted unanimously.

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Lightfoot
September 19, 2023

To the Council:

The **PARKS & PUBLIC WORKS COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 344 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$156,000 Bonds of said City to finance the Honorable Loretta C. Scott Center for Human Services Building Automation System Project
- Int. No. 345 Authorizing an agreement for the Honorable Loretta C. Scott Center for Human Services Building Automation System Project
- Int. No. 346 Authorizing an agreement for the Rundel Library Elevator Modernization Project
- Int. No. 348 Authorizing an agreement for the 2025 Milling and Resurfacing Project (North Clinton Avenue – Cumberland Street to East Ridge Road)
- Int. No. 349 Appropriating funds for the State Street Reconstruction Project

The **PARKS AND PUBLIC WORKS COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 347 Authorizing a change in traffic flow, alteration of pavement widths and acquisition of easements for the Genesee Street Reconstruction Project (Elmwood Avenue to Brooks Avenue)

Respectfully submitted,
Willie J. Lightfoot
Mitch Gruber
Jose Peo
Mary Lupien (*absent*)
Miguel A. Meléndez, Jr.

PARKS & PUBLIC WORKS COMMITTEE

Received filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-306
Ordinance No. 2023-307

Re: Agreement – M/E Engineering, P.C. – The Honorable Loretta C. Scott Center for Human Services Building Automation System

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to The Honorable Loretta C. Scott Center for Human Services Building Automation System Project. This legislation will:

1. Authorize the issuance of bonds totaling \$156,000 and the appropriation of the proceeds thereof to finance the cost of engineering design services of the Project; and
2. Establish \$156,000 as maximum compensation for a professional services agreement with M/E Engineering, P.C. (John A. Dredger, C.E.O., 300 Trolley Boulevard, Rochester, NY), for engineering design services.

The Project will be funded as follows:

Source of Funds	Design	Construction	Total
Bonds authorized herein	\$156,000		\$156,000
Bonds to be authorized in future legislation		\$1,035,000	\$1,035,000
Total	\$156,000	\$1,035,000	\$1,191,000

The Project includes maintenance, updates and expansion of the existing facility’s electronic building management system. The project will include replacement of actuators, pneumatic systems, pneumatic control valves, damper operators and control system, as needed, to meet the building requirements.

M/E Engineering, P.C. was selected for preliminary design, final design, bid and award and construction administration services through a request for proposal process, which is described in the attached summary.

Design is anticipated to begin in fall 2023. Construction is anticipated to begin in fall 2024. The professional services agreement will result in the creation and/or retention of the equivalent of 1.7 full-time jobs.

The term of the agreement shall extend until three (3) months after the completion of the two (2) year guarantee inspection of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-181

Ordinance No. 2023-306
(Int. No. 344)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$156,000 Bonds of said City to finance the Honorable Loretta C. Scott Center for Human Services Building Automation System 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 a portion of the costs of the Honorable Loretta C. Scott Center for Human Services Building Automation System Project to maintain, update and expand the existing electronic management system, including actuators, pneumatic systems, pneumatic control valves, damper operators and controls, for the building located at 55-57 St. Paul Street (collectively, 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 \$1,191,000. The plan of financing includes the issuance of \$156,000 in bonds of the City, which amount is hereby appropriated therefor, \$1,035,000 from future bonds to be authorized from General Debt allocated to the Project for future fiscal years in the City's 2023-24 to 2027-28 Capital Improvement Program, 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 \$156,000 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 \$156,000. 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 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. 2023-307
(Int. No. 345)

Authorizing an agreement for the Honorable Loretta C. Scott Center for Human Services Building Automation System 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 professional services agreement with M/E Engineering, P.C. to provide design and construction management services for the Honorable Loretta C. Scott Center for Human Services Building Automation System Project (the Project). The maximum compensation for the agreement shall be \$156,000, which shall be funded from the proceeds of City bonds authorized in a concurrent ordinance. The term of the agreement shall continue to three months after completion of a two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-308
Re: Agreement – LaBella Associates, D.P.C. – Rundel Library Elevator Modernization

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a professional services agreement with LaBella Associates, D.P.C. (Steven Metzger, CEO, 300 State Street, Rochester, NY), for architecture and engineering services for the

Rundel Library Elevator Modernization Project. The cost of the agreement will be financed with 2021-22 Cash Capital.

The Rundel Library, built in 1936, includes a total of five elevators (not including the loading dock lift) of various manufacturers, types, ages, and condition. The Project will include the evaluation planning, and cost estimates for modernization of all elevators, and design and construction oversight for the modernization of the main lobby elevator. The main lobby elevator is the primary public passenger elevator for the building. Antiquated elevator components are no longer commercially available, which led to an extended closure for repairs in 2022 and as such, has been prioritized as most urgent due on public accessibility and library operational needs.

LaBella Associates, D.P.C. was selected based on the their qualifications and knowledge of this specific building and related building systems, work on parallel projects already underway within the facility, and the urgency to move quickly on design and construction. A full justification for not issuing a request for proposal is attached.

Design is anticipated to begin in fall 2023. Construction is anticipated to begin in summer 2024. The professional services agreement will result in the creation and/or retention of the equivalent of 2.2 full-time jobs.

The term of the agreement shall extend until three (3) months after the completion of the two (2) years guarantee inspection of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-182

Ordinance No. 2023-308
(Int. No. 346)

Authorizing an agreement for the Rundel Library Elevator Modernization 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 professional services agreement with LaBella Associates, D.P.C. to provide architectural and engineering services for the Rundel Library Elevator Modernization Project (Project). The maximum compensation for the agreement shall be \$200,000, which shall be funded from 2021-22 Cash Capital. The term of the agreement shall continue to 3 months after completion of the two-year guarantee inspection the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-309
Re: Genesee Street Reconstruction Project (Elmwood Avenue to Brooks Avenue)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the Genesee Street Reconstruction Project. This legislation will:

1. Authorize a change in the direction of traffic flow on Congress Avenue between Genesee Street and Custer Street from two-way to one-way westbound. This one-way conversion has been temporarily in place since December 2022 as an interim safety measure recommended by Monroe County Department of Transportation until such a time that it can be formalized within the design and construction of the project; and,
2. Authorize changes in pavement width on Genesee Street to implement traffic calming measures such as curb bumpouts and install a shared use path along with a two-way cycle track as follows:
 - A. A decrease from the existing variable pavement width of approximately 63 feet to 37 feet to a proposed variable pavement width of 47 feet to 24 feet, beginning at Scottsville Road / Elmwood Avenue and continuing northward approximately 450 feet; and,
 - B. A decrease from the existing pavement width of 36 feet to a proposed variable pavement width of 24 feet to 30 feet, beginning approximately 450 feet north of Scottsville Road / Elmwood Avenue and continuing northward to Grandview Terrace; and,
 - C. A variable change in the existing pavement width of 36 feet to a proposed variable pavement width of 26 feet to 38 feet, beginning at Grandview Terrace and continuing northward to Terrace Park; and,
 - D. A decrease from the existing variable pavement width of approximately 40 feet to 49 feet to a proposed variable pavement width of 32 feet to 44 feet, beginning at Terrace Park and continuing northward to Brooks Avenue / South Plymouth Avenue.
3. Authorize the acquisition and transfer of property takings from the State of New York to the City of Rochester.

The properties that the New York State Department of Transportation is acquiring and transferring to the City of Rochester are summarized as follows:

- A. New York State Department of Transportation is performing property takings for the Project. The property takings for ROW dedication are needed to accommodate new sidewalk and curb ramps. Property acquisition information is as follows:

Reputed Owners	Property Address	Tax Account No.	Acquisition Type	Acquired Area (SF) +/-
Castle Town Development	1125 Genesee Street	135.42-3-16	Permanent Easement	96
Castle Town Development	1125 Genesee Street	135.42-3-16	Temporary Easement	397
Brooks Super Store Inc.	973-985 Genesee Street	135.34-3-21	Permanent Easement	48

- B. New York State must hold onto the permanent easement for three (3) years, after which they can begin a process which involves the NYS Attorney General’s Office drafting a deed to transfer the easements from the State of New York to the City of Rochester.

No additional right-of-way is required to accommodate the pavement width changes.

This is a Federal Aid project administered by the City under agreement with the New York State Department of Transportation (NYSDOT).

The project includes, but is not limited to, pavement reconstruction, curbs, sidewalks, curb ramps, catch basins, manhole frames and covers, water main, water services, water anodes, hydrants, street lighting, signal upgrades, signage, tree plantings, the addition of bicycle facilities, and other various streetscape improvements. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, improve accessibility for all users, and enhance the streetscape.

The changes will be in compliance with the City’s Complete Streets Policy whereas the streets will enable safe access for all users; pedestrians, bicyclists, transit users, persons with disabilities, and motorists of all ages and abilities are able to safely move along and across City streets.

Construction is anticipated to begin in spring 2024 and be substantially complete in late 2025.

Public meetings were held on February 8, 2023, February 9, 2023, and July 19, 2023. A copy of the meeting minutes are attached. The pavement width and traffic flow changes are anticipated to be endorsed by the Traffic Control Board at their September 6, 2023 meeting.

A public hearing on the pavement width and traffic flow changes is required.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-183

Ordinance No. 2023-309
(Int. No. 347)

Authorizing a change in traffic flow, alteration of pavement widths and acquisition of easements for the Genesee Street Reconstruction Project (Elmwood Avenue to Brooks Avenue)

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

Section 1. The Council hereby approves a change in direction of the traffic flow on Congress Avenue between Genesee Street and Custer Street, from two-way to one-way westbound.

Section 2. Council hereby approves the following pavement width changes on Genesee Street to be implemented as part of the Genesee Street Reconstruction Project (Elmwood Avenue to Brooks Avenue) (Project):

- A. A decrease from the existing variable pavement width ranging from approximately 63 feet to 37 feet to a variable pavement width ranging from 47 feet to 24 feet, beginning at Scottsville Road/Elmwood Avenue and continuing northward approximately 450 feet;

- B. A decrease from the existing pavement width of 36 feet to a variable pavement width ranging from 24 feet to 30 feet, beginning approximately 450 feet north of Scottsville Road/Elmwood Avenue and continuing northward to Grandview Terrace;
- C. A change from the existing pavement width of 36 feet to a variable pavement width ranging from 26 feet to 38 feet, beginning at Grandview Terrace and continuing northward to Terrace Park; and
- D. A decrease from the existing variable pavement width ranging from approximately 40 feet to 49 feet to a variable pavement width ranging from 32 feet to 44 feet, beginning at Terrace Park and continuing northward to Brooks Avenue/South Plymouth Avenue.

The pavement width changes authorized herein shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications.

Section 3. The Council hereby authorizes the acceptance of the donation from the People of the State of New York of the following described portions of parcels adjoining the Genesee Street right-of-way, two by title in fee and one by temporary easement, after they are acquired by the State for dedication as right-of-way for the Project:

Parcel No.	Reputed Owners	Property Address	Tax Account No.	Acquisition Type	Acquired Area (± SF)
1	Castle Town Development	1125 Genesee St	135.42-3-16	Permanent Easement	96
2	Castle Town Development	1125 Genesee St	135.42-3-16	Temporary Easement	397
3	Brooks Super Store Inc.	973-985 Genesee St	135.34-3-21	Permanent Easement	48

as depicted on New York State Department of Transportation (NYSDOT) easement maps and described as follows:

PARCEL 1

All that piece or parcel of property designated as NYSDOT Easement Map No. 1, Parcel No. 1, to be acquired in Permanent Easement, as shown on the accompanying map and being more particularly bounded and described as follows:

BEGINNING at a point on the westerly Street Boundary of Genesee Street, said point having New York State Plane Coordinates of North: 1,141,135.49, East: 1,400,768.31, said point also being 2.14 feet left, measured at right angles from Station 20+53.54 of the hereinafter described 2022 Survey Baseline for the reconstruction of a portion of Genesee Street; thence North 23°32'13" East, through the lands of Castle Town Development (Reputed Owner), a distance of 53.58 feet to a point on the said westerly Street Boundary of Genesee Street, said point being 0.39 feet left, measured at right angles from Station 21+07.09; thence southwesterly, a distance of 31.48 feet to a point 2.17 feet right, measured at right angles from Station 20+75.71; thence southwesterly, a distance of 22.59 feet to the Point of Beginning, containing 96± sq. ft. or 0.002± acre, more or less.

The above mentioned Survey Baseline is a portion of the 2022 Survey Baseline completed by GdB Geospatial for the reconstruction of a portion of Genesee Street and described as follows:

Beginning at Station 17+39.19; thence North 21°39'49" East, a distance of 414.12 feet to Station 21+53.31; thence North 17°00'40" East, a distance of 358.30 feet to Station 25+11.61.

PARCEL 2

All that piece or parcel of property designated as NYSDOT Easement Map No. 2, Parcel No. 2, to be acquired in Temporary Easement, as shown on the accompanying map and being more particularly bounded and described as follows:

BEGINNING at a point on the westerly Street Boundary of Genesee Street, said point having New York State Plane Coordinates of North: 1,141,135.49, East: 1,400,768.31, said point also being 2.14 feet left, measured at right angles from Station 20+53.54 of the hereinafter described 2022 Survey Baseline for the reconstruction of a portion of Genesee Street; thence northwesterly, through the lands of Castle Town Development (Reputed Owner), a distance of 7.60 feet to a point 9.59 feet left, measured at right angles from Station 20+54.98; thence North 23°32'13" East, a distance of 52.38 feet to a point 7.88 feet left, measured at right angles from Station 21+07.33; thence South 66°27'47" East, a distance of 7.50 feet to a point on the said westerly Street Boundary of Genesee Street, said point being 0.39 feet left, measured at right angles from Station 21+07.09; thence South 23°32'13" West, a distance of 53.58 feet to the Point of Beginning, containing 397± sq. ft. or 0.009± acre, more or less.

The above mentioned Survey Baseline is a portion of the 2022 Survey Baseline completed by GdB Geospatial for the reconstruction of a portion of Genesee Street and described as follows:

Beginning at Station 17+39.19; thence North 21°39'49" East, a distance of 414.12 feet to Station 21+53.31; thence North 17°00'40" East, a distance of 358.30 feet to Station 25+11.61.

PARCEL 3

All that piece or parcel of property designated as NYSDOT Easement Map No. 3, Parcel No. 3, to be acquired in Permanent Easement, as shown on the accompanying map and being more particularly bounded and described as follows:

BEGINNING at a point on the westerly Street Boundary of Genesee Street, said point having New York State Plane Coordinates of North: 1,142,235.40, East: 1,401,111.16, said point also being 46.31 feet left, measured at right angles from Station 32+02.44 of the hereinafter described 2022 Survey Baseline for the reconstruction of a portion of Genesee Street; thence North 37°11'00" West, through the lands of Brooks Super Store Inc. (Reputed Owner), a distance of 11.70 feet to a point on the southerly Street Boundary of Brooks Avenue, said point also being 56.69 feet left, measured at right angles from Station 32+07.83; thence easterly, along said southerly Street Boundary of Brooks Avenue, a distance of 10.00 feet to a point on the said westerly Street Boundary of Genesee Street, said point also being 47.76 feet left, measured at right angles from Station 32+12.33; thence southwestwardly along said westerly Street Boundary of Genesee Street, a distance of 10.00 feet to the Point of Beginning, containing 48± sq. ft. or 0.001± acre, more or less.

The above mentioned Survey Baseline is a portion of the 2022 Survey Baseline completed by GdB Geospatial for the reconstruction of a portion of Genesee Street and described as follows:

Beginning at Station 29+16.00; thence North 25°20'38" East, a distance of 389.88 feet to Station 33+05.88.

Section 4. City taxes and other current-year charges against said parcels shall be canceled from the date of acquisition closing forward. If the present owner or State 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 owns the parcel, shall also be canceled.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-310
Re: Agreement – CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. dba CPL – 2025 Milling and Resurfacing Project (North Clinton Avenue – Cumberland Street to East Ridge Road)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the 2025 Milling and Resurfacing Project. This legislation will establish \$450,000 as total maximum compensation for a professional services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. dba CPL (Todd M. Liebert, C.E.O., 255 Woodcliff Drive, Suite 200, Fairport, NY) for engineering services related to this project. The agreement will be funded from 2022-23 Cash Capital.

The project includes, but is not limited to, milling and resurfacing of the pavement, spot curb and sidewalk replacement, curb ramp upgrades, adjustment and/or repair of manholes, catch basins, and water valve castings, and other various improvements as funding allows. The addition of bicycle facilities, curb bump-outs, and other elements of the Complete Streets Policy will be evaluated during preliminary design. These improvements will improve the surface drainage and riding quality of the roadway, improve accessibility, and expand the useful life of the pavement structure.

The changes will be in compliance with the City's Complete Streets Policy whereas the streets will enable safe access for all uses; pedestrians, bicyclists, transit users, persons with disabilities, and motorists of all ages and abilities are able to safely move along and across City Street. Particular attention will be given to the pedestrian and cyclist safety projects identified in the 2023 Active Transportation Plan.

CPL was selected to provide engineering services through a request for proposal process, which is described in the attached summary.

Design is anticipated to begin in October 2023. Construction is anticipated to begin in spring 2025. The professional services agreement will result in the creation and/or retention of the equivalent of 4.9 full-time jobs.

The term of the agreement shall extend until three (3) months after the completion of the two (2) year guarantee inspection of the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-184

Ordinance No. 2023-310
(Int. No. 348)

Authorizing an agreement for the 2025 Milling and Resurfacing Project (North Clinton Avenue – Cumberland Street to East Ridge Road)

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 CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. to provide engineering services for the 2025 Milling and Resurfacing Project (North Clinton Avenue – Cumberland Street to East Ridge Road) (Project). The maximum compensation shall be \$450,000, which shall be funded from 2022-23 Cash Capital. The term of the agreement shall extend until three months after completion of the two-year guarantee inspection of the Project.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-311
Re: State Street Reconstruction Project (Basin Street to Inner Loop)

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation related to the State Street Reconstruction Project. This legislation will appropriate \$200,000 in anticipated reimbursements from New York State Department of Transportation (NYSDOT) to partially finance the construction of the project.

The additional funding is required due to unforeseen conflicts with underground utilities and private property areaways encountered during construction.

This project includes pavement reconstruction and widening, curbs, sidewalks, curb ramps, catch basins, manhole frames and covers, water main, water main structural lining, water services, water anodes, hydrants, telecommunications conduit, street lighting, signal upgrades, signage, pavement markings, tree plantings, and other various streetscape improvements. These improvements will enhance traffic safety and efficiency, improve the surface drainage and riding quality of the roadway, improve accessibility, and enhance the streetscape.

This is a Federal Aid Project administered by the City under an agreement with the New York State Department of Transportation (NYSDOT).

Construction began in spring 2022 and will be substantially complete in fall 2023.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-185

Ordinance No. 2023-311
(Int. No. 349)

Appropriating funds for the State Street Reconstruction Project

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

Section 1. The Council hereby appropriates the sum of \$200,000 in anticipated reimbursements from the New York State Department of Transportation to fund a portion of the construction costs for the State Street Reconstruction Project (Basin Street to Inner Loop).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Patterson
September 19, 2023

To the Council:

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 350 Authorizing the sale of real estate
- Int. No. 351 Authorizing the acceptance by donation of a portion of 251 North Union Street
- Int. No. 352 Authorizing the acquisition of real estate for the Rochester City School District's World of Inquiry School No. 58 and amending the 2023-24 Budget
- Int. No. 354 Authorizing a loan agreement and payment in lieu of taxes agreement for the Center City Courtyard Affordable Housing Project
- Int. No. 355 Authorizing the sale of real estate, a loan agreement and payment in lieu of taxes agreement for the Alta Vista at St. Joseph's Park Affordable Housing Project

The **NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE** recommends for **CONSIDERATION** the following entitled legislation:

- Int. No. 353 Amending the Zoning Map by changing the zoning classification of numbers 1040, 1044, 1100-1170, 1180 and 1186-1194 University Avenue

Respectfully submitted,
Michael A. Patterson
LaShay D. Harris
Kimberly Smith
Mary Lupien
Miguel A. Meléndez, Jr. (*abstained from Int. No. 355*)
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-312
Re: Sale of Real Estate

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Strong Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of six properties, three via sealed bid auction to pre-approved bidders and three vacant lots being sold to the adjoining owners. City records have been checked to ensure that the purchasers (except those buying unbuildable vacant lots) do not own other properties with code violations or delinquent taxes, and 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 listed on the attached spreadsheet under the heading, I. Sealed Bid Auction – Improved Property. 34 Fifth Street and 96 Silver Street will be sold to Yurina Leyva, 75 Danforth Street, Rochester, New York; 241 Saratoga Avenue will be sold to Myriam and Paul Z. Oska, 35 Rainier Street, Rochester, NY. The properties were sold to the highest approved bidders and all purchasers will be required to rehabilitate the structures within 12 months.

The remaining three properties are listed on the attached spreadsheet under the heading, II. Negotiated Sale - Unbuildable Vacant Land. The parcel at 215 Campbell Street will be sold to Dawn M. DiGennaro, 217 Campbell Street, Rochester, New York; the north half of 28 Rugraff Street will be sold to Jose A. Ramos, 90 Knapp Avenue, Rochester, New York; and the south half of 28 Rugraff Street will be sold to Ross A. Conley, 1074 Lakeshore Boulevard, Rochester, New York. The parcels are each being sold for \$1.00 (as per City policy) and will be combined with the primary parcels owned by the identified adjoining owners.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,987.

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 property free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
 Malik D. Evans
 Mayor

Attachment No. AW- 186

Ordinance No. 2023-312
 (Int. No. 350)

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 sealed bid auction:

Address	SBL#	Lot Size	Use	Price	Purchaser
34 Fifth St	106.60-2-83	40' x 120'	2-family	\$3,000	Yurina Levya
241 Saratoga Ave	105.51-1-7	33.5' x 80.8'	2-family	\$1,100	Myriam and Paul Z. Oska
96 Silver St	120.35-1-35	33' x150'	1-family	\$5,000	Yurina Levya

Section 2. The Council hereby approves the negotiated sale of the following vacant unbuildable parcels of land for \$1 each:

Address	SBL#	Lot Size	Sq. Ft.	Purchaser
215 Campbell St	120.27-1-58	30.17' x 128	3,889	Dawn M. DiGennaro
28 Rugraff St North Half	105.74-1-67 North Half	20' x 62'	1,231	Jose A. Ramos
28 Rugraff St South Half	105.74-1-67 South Half	20' x 62'	1,231	Ross A. Conley

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. 2023-313
Re: Real Estate Donation – Portion of 251 N. Union Street

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the acceptance by donation of a portion of the vacant lot known as 251 N. Union Street from AMETEK, Inc. (Mark Scheuer, Vice President of Environmental Health and Safety), 255 N. Union St, Rochester, NY).

Accepting the donation will allow the City to include the lot in any future housing development plans for the Urban Renewal area.

Upon acquisition by the City, any taxes or charges levied after the date of closing shall be canceled. The property is to be conveyed without any other outstanding liens or encumbrances.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-187

Ordinance No. 2023-313
(Int. No. 351)

Authorizing the acceptance by donation of a portion of 251 North Union Street

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

Section 1. The Council hereby authorizes the acceptance of the donation of the following described portion of 251 North Union Street from Ametek, Inc.:

LEGAL DESCRIPTION OF
PART OF #251 NORTH UNION STREET
PART OF T.A. #106.660-01-049.001

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being Lots 32 & 33, Section A, of the Thomas Moulson Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 128. Said Lots 32 & 33 together front 66.0 feet on the north side of Lewis Street and are 115.5 feet in depth, all as shown on said subdivision.

Subject to covenants, easements or restrictions of record, if any.

Being part of the premises conveyed to Ametek, Inc. by a deed dated September 5, 2000 and filed on September 15, 2000 in Liber 9363 of Deeds, Page 126.

Section 2. Upon transfer of title to the City, any City taxes and any other City charges, liens or encumbrances against said property are hereby cancelled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-314

Re: Acquisition – 494 E. Main Street, 500 E. Main Street, 135 Scio Street, 141 Scio Street, 147 Scio Street, 151 Scio Street, 163 Scio Street – Rochester City School District Parking

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the acquisition by negotiation of seven parcels of vacant land from Downstairs Cabaret, Inc. (Christopher F. Kawolsky, Director, 20-24 Windsor S, Rochester, NY) This legislation will:

- 1) Authorize acquisition of the seven parcels on behalf of the Rochester City School District (RCSD).
- 2) Amend the 2023-24 Cash Capital Budget by \$200,000 to reflect the receipt and use of funding from RCSD to reimburse the City for the closing costs and site evaluation of the parcels.

The acquisition was authorized via RCSD resolution 2022-23:834 and will allow the RCSD to implement a permanent solution to meet the parking requirements for the World of Inquiry School No. 58.

The purchase price is \$1,100,000 and is supported through an independent appraisal performed by Midland Appraisal Associates, Inc. in March, 2023.

The costs of acquisition, including closing costs and site evaluation shall be funded through the RCSD 2023-24 Cash Capital.

City taxes and other current year charges against said parcels shall be canceled from the date of acquisition 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 owns the parcel, shall also be canceled.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), a determination of no significant adverse impacts has been made, and a Negative Declaration was issued on August 7, 2023.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-188

Ordinance No. 2023-314
(Int. No. 352)

Authorizing the acquisition of real estate for the Rochester City School District's World of Inquiry School No. 58 and amending the 2023-24 Budget

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

Section 1. The Council hereby approves the acquisition of the following seven parcels for the purchase price of \$1,100,000 in order to provide off-street parking spaces for the Rochester City School District (RCSD) World of Inquiry School No. 58:

Property Address	SBL
494 East Main St	106.81-1-26
500 East Main St	106.81-1-27
135 Scio St	106.81-1-28
141 Scio St	106.81-1-29
147 Scio St	106.81-1-30
151 Scio St	106.81-1-31
163 Scio St	106.81-1-32

Section 2. The costs of acquisition, including closing costs, shall be funded from the RCSD Cash Capital Fund in accordance with RCSD Board Resolution No. 2022-23: 834.

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 parcels, shall also be canceled.

Section 4. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to Cash Capital by \$200,000 from anticipated reimbursements from the RCSD which are hereby appropriated to the City's site evaluation and closing costs for the acquisition approved herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-315
Re: Zoning Map Amendment – 1040, 1044, 1100-1170, 1180, and 1186-1194 University Avenue

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity and Opportunity

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties located at 1040, 1044, 1100-1170, 1180, and 1186-1194 University Avenue from the Manufacturing Industrial Planned Development District (MIPD #3) to the M-1 Industrial District.

The applicant, Ken Glazer, CEO of Buckingham Properties, proposes the map amendment because the current Zoning District, MIPD #3, is from the 1975 Zoning Code but was not carried over to the 2003 Zoning Code. This means that, technically, the MIPD #3 Zoning District does not exist because it does not have any corresponding regulations in the 2003 Code. These properties should have been rezoned shortly after the new Code was enacted. However, since that did not occur, any new use that was proposed for one of these buildings over the past 20 years was either the same as the previous use or close enough to be likened to the previous use.

The property owner is seeking the rezoning now because he would like to establish an event space in 1048 University Avenue, which cannot be likened to the previous use. The uses permitted in the M-1 Industrial District will closely align with those that were permitted in the MIPD #3 District, allowing any pre-existing manufacturing uses to remain in place, while also allowing reasonable repurposing of vacant spaces. In addition, rezoning these buildings to M-1 Industrial District will finally eliminate the MIPD #3 Zoning District from the Zoning Map, which should have happened years ago.

The City Planning Commission held an informational meeting on July 31, 2023. One person spoke in support of the rezoning, and no one spoke in opposition. By a vote of 5-1-0, the City Planning Commission recommended approval.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-189

Ordinance No. 2023-315
(Int. No. 353)

Amending the Zoning Map by changing the zoning classification of numbers 1040, 1044, 1100-1170, 1180 and 1186-1194 University Avenue

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 map classification of the following properties from Manufacturing Industrial Planned Development District No. 3 to M-1 Industrial:

Address	SBL No.
1040 University Avenue	122.29-1-5.001
1044 University Avenue	122.29-1-6
1100-1170 University Avenue	122.30-1-9.003
1180 University Avenue	122.30-1-9.004
1186-1194 University Avenue	122.30-1-9.002

and the area extending from that parcel to the center line of any adjoining street, alley, and right-of-way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen

Ordinance No. 2023-316

Re: Agreement – Center City Courtyard Affordable Housing Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Center City Courtyard project (the “Project”), an affordable and supportive rental housing project being undertaken by H.E.L.P. Development Corp., (HELP DC) (David Cleghorn, President, 115 East 13th Street, New York, NY) and CSD Housing, LLC, (Keri Curtis, Michael Dehmler, and Mark Shortino, Managing Members, 642 Kreag Road, Suite 301, Pittsford, NY) at 99 West Main Street in center city Rochester.

This legislation will:

- 1) Authorize a loan agreement for a \$1,000,000 construction/permanent loan with HELP ROC I HOUSING DEVELOPMENT FUND CORPORATION, H.E.L.P. Development Corp. or an affiliated partnership or housing development fund corporation to be formed for the project, and appropriate \$481,676 from the 2022-23 Affordable Housing Fund allocation and \$518,324 from the 2023-24 Affordable Housing Development Fund allocation to fund the loan. The loan will serve initially as a 2% construction loan payable annually. The permanent loan includes a 30-year term, and 2% interest-only, cash flow dependent payments due annually, with the outstanding principal balance and any accrued interest due at the end of the term.
- 2) Authorize property tax exemption and payment-in-lieu of taxes agreement for the Project, with one or more of the entities listed above, 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).
- 3) Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
- 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.

Center City Courtyard project involves the new construction of a 4-story, U-shaped building surrounding a courtyard, of approximately 146,000 square feet to contain 164 rental housing units, including 69 affordable and 95 supportive apartments, and a ground level 72 space covered parking lot. There will be 22 studios, 125 one-bedroom, and 17 two-bedroom units, including 10 ADA-accessible units, four Audio/Visually Impaired-accessible units, and eight units with Section 8 Project Based Vouchers from the Rochester Housing Authority. The supportive housing units will serve multiple special needs populations: 27 units reserved for persons with substance use disorder (SUD), 26 units reserved for individuals who will reenter the community following a period of incarceration, and 42 units reserved for homeless veterans. The remaining 69 units will be available to other income eligible community members and households, and units will be affordable at 30%, 60% and 80% of Median Family Income (MFI). The special needs units will be

subsidized by the Empire State Supported Housing Initiative (ESSHI) and residents in those units will meet the ESSHI definition of homeless, which includes homeless households and households at risk of homelessness.

Three supportive services providers, the Urban League of Rochester (ULR) (Dr. Seanelle Hawkins, President & CEO), Eagle Star Housing (ESH), an affiliate of DePaul Housing as of July 1, 2023 (Zach Fuller, Executive Director, Victor, NY) and Helio Health (Kathleen Gaffney-Babb, President & CEO, Syracuse, NY), have each received ESSHI awards to provide individualized case management services for the respective special needs populations included in this project. All will utilize the local homeless intake system and coordinated entry, currently facilitated by Partners Ending Homelessness, to fill units designated for respective special needs as they become available. ULR will provide services related to 26 units reserved for individuals who reenter the community following a period of incarceration; ESH will provide services related to 27 units reserved for homeless veterans; and Helio Health will provide services related to 27 units reserved for persons with substance use disorder (SUD).

Center City Courtyard will fill a west-side center city block on West Main Street, between South Washington Street, South Plymouth Avenue and West Broad Street, and transform former surface parking lots into a vibrant rental community. The 1.33 acre site, at 99 West Main Street (Tax Number/SBL 121.30-1-16.1), was recently formed via a combination of 10 former lots and abandoned rights of way (authorized via Ord. No. 2022-308 and Ord. No. 2022-309) acquired by the developer for the project. A list of the prior designations of properties included in the project site is attached. The building will have a central entrance into a 2-story atrium, first floor reception and lobby area, as well as a community room with kitchen, lounges and fitness rooms, laundry facilities, property management and support services offices, all designed for accessibility to accommodate populations with a full range of capabilities as well as for residents to age in place. A community center will serve as a focal point to provide services that empower residents and the surrounding community by offering job training, fitness classes, community meetings, and socializing opportunities. Project design will enhance the existing character of the neighborhood while applying modern technology to achieve energy efficiency, improved accessibility, and sustainable construction. An expansive and active courtyard faces south toward the sun and will provide an engaging opportunity for both tenants and the general public.

To help meet New York State's Climate Leadership and Community Protection Act goals, the Project will be an all-electric building, including heating, air conditioning, and hot water systems. The Project will receive Clean Energy Initiative funds for the project, utilizing highly efficient air source heat pumps for heating and cooling. The project will achieve Enterprise Green Communities 2020 Plus standards. Rent will include domestic hot water, sewer and trash removal, and tenants will pay for heat, electricity, cable television, internet access and laundry.

The Project is consistent with the City of Rochester's Housing Policy, the Rochester 2034 Comprehensive Plan, and complements the City's housing goals by addressing barriers identified the Housing Quality Task Force. The Project will additionally complement significant development and interest that has occurred over the past decade and is currently underway in these City neighborhoods, and will continue to provide housing for a range of incomes and household types. Funding for the Project includes private equity from the sale of NYS Housing Finance Agency (HFA) 4% Low-Income Housing Tax Credits, Tax-Exempt bonds, and Supportive Housing Opportunity Program (SHOP), Homeless Housing Assistance Program (HHAP), Federal Housing Trust Funds; Clean Energy Incentives, and Developer Loan, Developer funded operating Reserve and deferred developer fee. The sources and uses for the Project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Acquisition	\$1,000,000	HFA First Mortgage	\$3,180,000
Hard Costs	\$45,777,007	HFA SHOP	\$18,891,520
Soft Costs and Working Capital	\$12,556,846	HFA FHTF	\$5,603,331
Development Fee	\$7,900,000	HFA Subsidy Accrued Interest	\$946,436
		HHAP	\$7,975,000
		L.P. Equity	\$29,529,278
Contingency	\$2,288,850	City of Rochester	\$1,000,000
Reserves & Escrows	\$751,596	Clean Energy Incentives	\$885,500
		Developer Loan	\$860,000
		Developer Funded Operating Reserves	\$375,798
		Deferred Developer Fee	\$1,027,436
TOTAL	\$70,274,299	TOTAL	\$70,274,299

The PILOT was recommended for approval by the PILOT review committee on July 11, 2023. The Project will include workforce goals of 6.9% women and 20% minority hours worked, as well as an obligation of 30% M/WBE contracts and a goal of 25% city residents working on the Project. The SEQR review was completed and Negative Declaration issued on August 29, 2022, the National Environmental Policy Act or NEPA review is completed.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-190

Ordinance No. 2023-316
(Int. No. 354)

Authorizing a loan agreement and payment in lieu of taxes agreement for the Center City Courtyard 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 a loan agreement with HELP ROC I Housing Development Fund Corporation, H.E.L.P. Development Corp, or an affiliated partnership or housing development fund corporation to be formed for the purpose (collectively, the Developer) to provide construction and permanent financing for the Center City Courtyard Affordable Housing Project (the Project) located at an approximately 1.3 acre site recently assembled from several parcels and bounded by West Main Street, South Plymouth Avenue, West Broad Street and South Washington Street (Project Site). The Project shall consist of approximately 164 rental housing units comprised of approximately 95 units for individuals and households with special needs such as substance abuse disorder, formerly incarcerated individuals and homeless veterans, approximately 69 units affordable to low income households, and amenities including offices for the supportive service providers, first-floor lobby, reception and community center space, 72 ground-level covered parking spaces, and laundry room. The loan shall be in the amount of \$1,000,000, which shall be funded by, and is hereby appropriated for loan principal in the amounts of \$481,676 from the Affordable Housing Fund project allocation of the 2022-23 Annual Action Plan and \$518,324 from the Affordable Housing Development

Fund project allocation of the 2023-24 Annual Action Plan. The loan shall have a term that extends to 30 years following completion of Project construction, functioning at first as a 2% construction loan until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2%. The payment of interest shall be due annually if the Developer has sufficient cash flow and repayment of the loan principal and any unpaid interest shall come due at the end of the loan term. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to legal and other requirements for the Project.

Section 2. The Mayor is hereby authorized to enter into a payment in lieu of taxes (PILOT) agreement with one or more of the above-described Developer entities for the approximately 1.3 acre Project Site to be designated as 99 West Main Street and denominated as Tax/SBL Number of 121.30-1-16.1. This PILOT Agreement shall provide that the Site shall remain entitled to a real property tax exemption, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project’s annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior to that date if and when the Project Site is no longer operated for the purpose of providing affordable rental housing and supportive services as described in Section 1 and in accordance with the conditions for maintaining low-income housing tax credits and financing as well as other legal requirements.

Section 3. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate and the Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate these agreements.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-317
Re: Agreement – Alta Vista at St. Joseph’s Park Affordable Housing Project

Council Priority: Rebuilding and Strengthening Neighborhood Housing

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the Alta Vista at St. Joseph’s Park new construction project (the “Project”), an affordable rental housing development project being undertaken by Ibero-American Development Corporation (IADC) (Eugenio Marlin, Executive Vice President, 954 Clifford Avenue, Rochester) in the St. Joseph’s Park neighborhood of Center City.

This legislation will:

- 1) Authorize the sale of two vacant City of Rochester-owned parcels to IADC, Alta Vista Housing LLC, a related entity, or an entity to be formed by IADC. The properties are as follows:

Street #	Street Name	Tax Number/SBL	Purchase Price/Appraised Value
101-113	Franklin Street	106.80-1-25.001	\$315,000
106	Pleasant Street	106.80-1-44.003	\$65,000

- 2) Authorize a loan agreement for a \$1,000,000 construction/permanent loan with IADC, Alta Vista Housing LLC, a related entity, or an entity to be formed by IADC, and appropriate the same amount from the 2023-24 Affordable Housing Development Fund allocation to fund the loan. The loan will serve initially as a 2% interest loan payable annually during construction. The permanent loan includes a 30-year term, and 2% interest-only, cash flow dependent payments due annually, with the outstanding principal balance and any accrued interest due at the end of the term;
- 3) 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). The sites are listed here:

Street #	Street Name	Tax Number/SBL	Current Owner
101-113	Franklin Street	106.80-1-25.001	City of Rochester
106	Pleasant Street	106.80-1-44.003	City of Rochester
317	Andrews Street	106.80-1-2	333 A Parking LLC
325	Andrews Street	106.80-1-3	333 Parking LLC

- 4) Authorize the Mayor to execute such agreements and other documents as may be necessary to effectuate the agreement authorized herein; and
- 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.

A Request for Proposals was issued for the purchase and development of 101-113 Franklin Street and 106 Pleasant Street on November 26, 2019, followed by an informational meeting on December 13, 2019. The purpose of this meeting was to provide developers with the opportunity to discuss the status of the parcel, its redevelopment potential, and answer questions. The City received two proposals, which were evaluated by staff from the Department of Neighborhood and Business Development and the Mayor’s Office. The Project was recommended based on the proposed development program and its financial strength. IADC will additionally acquire two privately owned surface parking lots located at 317 and 325 Andrews Street to provide onsite parking for the Project.

Alta Vista at St. Joseph’s Park will create 76 new affordable rental units, with eight units targeted to households with incomes at or below 30% of the area median income (AMI), 36 units targeted to households earning up to 50% AMI, 21 units targeted to households earning up to 60% AMI, and 11 units targeted to households earning up to 80% AMI. The Rochester Housing Authority has awarded eight Housing Choice Vouchers to assist with meeting the needs of those that earn less than 30% AMI. Fourteen units will be set aside for households that are homeless or at-risk of homelessness, with supportive services provided by the YWCA of Rochester and Monroe County. The YWCA has been awarded Empire State Supportive Housing Initiative (ESSHI) rental, service, and operating subsidy to support tenants of these permanent supportive housing units, and the Project received \$2.6 million in Homeless Housing Assistance Program (HHAP) capital funds to support the development of the 14 set-aside units.

The Project includes the new construction of one mixed-use six-story building totaling approximately 84,000 square feet at the corner of Franklin Street and Andrews Street. The residential units will include 54 one-bedroom units and 22 two-bedroom units. Eight units will be fully accessible, and four units will be adapted for those living with audio/visual impairments. Tenant amenities will include a laundry room, a community room with kitchen, lounges, on-site parking, tenant storage, an outdoor patio, and a children’s play area. The building will be sustainable and energy efficient. It is a New York State Homes and Community Renewal (HCR) Clean Energy Initiative New Construction project. IADC has engaged Sustainable Comfort to ensure the building meets the identified goals of Passive House (PHIUS Certification) and Energy Star Multifamily New Construction Program (ERI Pathway). The Project will receive further certifications for DEO Net Zero Energy Ready Homes and

EPA Indoor AirPlus. The design will incorporate a solar array on the roof to offset the electrical load. Tenants will pay for convenience electricity (cooking electric, lights, outlets, etc.) with the balance of utilities, including heat and hot water, paid by the owner. IADC will provide free high-speed broadband and Wi-Fi internet to all residents and common areas. Construction is expected to start in Fall 2023 with completion in Spring 2025.

The Project will enhance the existing character of the neighborhood, with exterior features that include stone similar to that of the surviving walls of the adjacent St. Joseph’s Church, brick masonry, and HardiePlank siding. Archways on the building’s entrance will replicate historic church details, and residents will have access to St. Joseph’s Park and outdoor space. Additionally, the Landmark Society of Western New York, which owns St. Josephs Park, will lease the Project’s 2,600 square foot commercial space to expand its free public events programming and host special events. The Project is part of the City’s \$10 million New York State Downtown Revitalization Initiative (DRI) award, as it contributes to DRI goals of creating a vibrant urban center and attractive public realm that welcomes everyone and increasing the amount of mixed- income housing in Downtown. The Project was awarded \$1.185 million in DRI funds, and an additional \$200,000 was awarded for improvements that will help preserve St. Joseph’s Park.

The Project is consistent with the City of Rochester’s Housing Policy and is in line with the recommendations of the Rochester Housing Quality Task Force and the 2034 Comprehensive Plan, as it includes the production of new high-quality housing that is accessible to people across a range of incomes and focuses mixed-use development near major investment areas. Funding for the Project includes private equity from the sale of NYS Homes and Community Renewal (HCR) 9% Low-Income Housing Tax Credits; Community Preservation Corporation (CPC) mortgage; NYS HCR Housing Trust Fund (HTF), NYS HCR Federal Housing Trust Fund (FHTF), and NYS Community Investment Fund (CIF) soft loans; Homeless Housing Assistance Program (HPAP) funds; Downtown ~~Reinvestment~~ Revitalization Initiative (DRI) funds; Clean Energy Incentives (CEI); and solar incentives and tax credits. The sources and uses for the Project are summarized below:

<u>Uses</u>		<u>Permanent Sources</u>	
Acquisition	\$700,000	CPC Mortgage	\$1,150,000
Hard Costs	\$25,074,438	NYS HCR HTF	\$9,132,034
Soft Costs and Working Capital	\$4,881,981	NYS HCR FHTF	\$1,958,746
Development Fee	\$3,543,063	HHAP	\$2,628,082
Contingency	\$1,253,722	CEI	\$570,000
Reserves	\$177,790	City of Rochester	\$1,000,000
		NYS CIF	\$678,335
		DRI	\$1,185,000
		Solar Incentive	\$72,160
		L.P. Equity	\$12,915,205
		SLIHC Loan	\$3,924,605
		Solar Equity	\$39,004
		Deferred Development Fee	\$377,823
TOTAL	\$35,630,994	TOTAL	\$35,630,994

The PILOT was recommended for approval by the PILOT review committee on July 3, 2023. The Project will include workforce goals of 6.9% women and 20% minority hours worked, as well as an obligation of 30% M/WBE contracts and a goal of 25% city residents working on the Project. The SEQR review was completed and Negative Declaration issued on August 25, 2022. The National Environmental Policy Act (NEPA) review is underway and will be completed prior to entering into any agreements for the project.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-191

Ordinance No. 2023-317
(Int. No. 355)

Authorizing the sale of real estate, a loan agreement and payment in lieu of taxes agreement for the Alta Vista at St. Joseph’s Park Affordable Housing Project

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 to Ibero-American Development Corporation (IADC), Alta Vista Housing LLC, a related entity and/or an entity to be formed by IADC (collectively, the Developer) with proposal to construct thereon and operate the Alta Vista at St. Joseph’s Park Affordable Housing Project (the Project):

Street Address	Tax/SBL No.	Price	Lot Size (ac)
101-113 Franklin St	106.80-1-25.001	\$315,000	0.58
106 Pleasant St	106.80-1-44.003	65,000	0.12
	TOTAL	\$380,000	

Section 2. The Mayor is hereby authorized to enter into a loan agreement with the Developer to provide construction and permanent financing for the Project, which shall be comprised of approximately 76 new rental housing units that are affordable to low income households of which approximately 14 units shall be reserved for supportive housing for families or individuals that are homeless or at risk of homelessness, tenant amenities including supportive services, a laundry room, a community room with kitchen, lounges, on-site parking, tenant storage, an outdoor patio, and a children’s play area, and approximately 2,600 square feet suitable for commercial use. The loan shall be in the amount of \$1,000,000, which shall be funded and is hereby appropriated from the Affordable Housing Development Fund project allocation of the 2023-24 Annual Action Plan. The loan shall have a term that extends to 30 years following completion of Project construction, functioning at first as a 2% construction loan until construction is complete, whereupon it shall convert to permanent financing with a term of 30 years that is subject to an annual interest rate of 2%. The payment of interest shall be due annually if the Developer has sufficient cash flow and repayment of the loan principal and any unpaid interest shall come due at the end of the loan term. The Mayor is hereby authorized to adjust the loan interest rate and other terms and conditions in order to conform to legal and other requirements for the Project.

Section 3. The Mayor is hereby authorized to enter into a payment in lieu of taxes (PILOT) agreement with the Developer for the following parcels in order to effectuate the Project (Project Site):

Street Address	Tax Number/SBL	Current owner
101-113 Franklin St	106.80-1-25.001	City of Rochester
106 Pleasant St	106.80-1-44.003	City of Rochester
317 Andrews St	106.80-1-2	333 A Parking LLC
325 Andrews St	106.80-1-3	333 A Parking LLC

The PILOT agreement shall provide that the Project Site shall remain entitled to a real property tax exemption, provided that the Developer makes annual payments in lieu of taxes to the City of Rochester equal in total to no less than 10% of the Project’s annual "shelter rent," a phrase which refers to the amount of gross rents less utility costs. The term of the PILOT agreement shall run for 30 years, provided that said agreement and the associated real property tax exemption shall cease prior

to that date if and when the Project Site is no longer operated for the purpose of providing affordable rental housing and supportive services as described in Section 1 and in accordance with the conditions for maintaining low-income housing tax credits and financing as well as other legal requirements.

Section 4. The agreements authorized herein shall contain such additional terms and conditions as the Mayor deems to be appropriate and the Mayor is hereby authorized to execute such other agreements and documents as may be necessary to effectuate these agreements.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Patterson, Peo, Smith - 8.

Nays - None - 0.

President Meléndez abstained due to a professional relationship.

By Councilmember Harris
September 19, 2023

To the Council:

The **RECREATION & HUMAN SERVICES COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 356 Authorizing an agreement for the Champion Academy Extreme Mentoring and Empowerment Initiative
- Int. No. 357 Authorizing an agreement with the Dormitory Authority of the State of New York to fund a Race Timing System for the Genesee Valley Park Sports Complex Pool
- Int. No. 358 Authorizing an agreement for a Victims of Crime Act Victim and Witness Assistance Grant
- Int. No. 359 Appropriating funds and authorizing agreements for the Sexual Risk Avoidance Education Grant program

Respectfully submitted,
LaShay D. Harris
Willie J. Lightfoot
Stanley Martin (*absent*)
Mary Lupien (*absent*)
Miguel A. Meléndez, Jr.

RECREATION & HUMAN SERVICES COMMITTEE

Received filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-318
Re: Agreement – Champion Academy, Extreme Mentoring and Empowerment Initiative

Council Priority: Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Champion Academy Extreme Mentoring and Empowerment (Roland Williams, CEO, 1 Pleasant Street, Suite 406 Rochester, NY 14604) for its Champion Academy Extreme Mentoring and Empowerment Initiative. The original agreement authorized in June 2020, with All Pro LLC established maximum compensation of \$25,000 for a term of 1 year. The term of this new agreement will not exceed one year and will be funded from the 2023-24 Budget of Undistributed Expenses, with an option to renew for two additional, one-year terms, contingent upon approval of the future budgets.

The Champion Academy Extreme Mentoring and Empowerment Initiative will provide a two-week summer academy to 300 Rochester youth, ages 11 to 18, which focuses on life skills development, healthy behaviors, sportsmanship, and academic performance. Upon completion of the summer academy, participants will have the opportunity to participate in monthly interactive and educational workshops, community service projects, leadership training, and mentorship.

All Pro Catalyst, LLC and the Champion Academy Extreme Mentoring and Empowerment Initiative were created and are led by Roland Williams, a city of Rochester native who has gone on to become a Super Bowl Champion, ESPN and CBS sports analyst, Syracuse University graduate and award-winning performance coach. The City has supported this program since it began in 2015. The most recent agreement for this service was approved by Council in July 2020 via Ordinance No. 2020-246.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-318
(Int. No. 356)

Authorizing an agreement for the Champion Academy Extreme Mentoring and Empowerment Initiative

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 Champion Academy Extreme Mentoring & Empowerment Initiative, Inc. to implement the Champion Academy Extreme Mentoring and Empowerment Initiative. The term of the agreement shall be up to one year with the option to renew for up to two additional one-year periods. The maximum annual compensation for the agreement shall be \$25,000, which shall be funded from the 2023-24 Budget of Undistributed Expenses (Undistributed Budget) for the initial year, and from a subsequent year's Undistributed Budgets for each optional extension, contingent upon approval 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. 2023-319
Re: Grant Agreement - Dormitory Authority of the State of New York, Race Timing System

Council Priority: Support the creation of effective educational systems

Comprehensive Plan 2034 Initiative Area: Sustaining Green and Active Systems

Transmitted herewith for your approval is legislation authorizing an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of a \$50,000 State and Municipal Facilities Program grant award for the Genesee Valley Park Sports Complex Pool.

The grant will be utilized for the purchasing and installation of the GEN 7 Sports Timer with legacy connections. The Gen7 Sports Timer is designed to work exclusively with existing CTS timing components and display boards. Incorporates the latest technology with all of the key features of a Colorado Time Systems Console, including up to 12-lane timing, enhanced split handling, start reaction display, automatic lane arming, interface to 3rd party meet management software, scoreboard cycling and more.

The Genesee Valley Park Sports Complex Pool would be the only outdoor Olympic-length pool in a 70 mile radius capable of hosting competitions. This would allow the complex to host a variety of events, including Masters (25 and older), youth triathlon and night events.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-319
(Int. No. 357)

Authorizing an agreement with the Dormitory Authority of the State of New York to fund a Race Timing System for the Genesee Valley Park Sports Complex Pool

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of a State and Municipal Facilities Program grant in the amount of \$50,000, which is hereby appropriated to acquire and install a Race Timing System for the Genesee Valley Park Sports Complex Pool (the System). The term of the agreement shall be up to three years.

Section 2. The Mayor or his designee is hereby authorized to execute on behalf of the City such other agreements and documents in connection with the acquisition and installation of the System as the DASNY may require for providing the funding authorized herein.

Section 3. The funding agreement, as well as any other agreements and documents authorized herein, shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-320
Re: Grant Agreement – New York State Office of Victim Services

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to a New York State Office of Victim Services (NYS OVS) grant. This legislation will authorize an agreement with New York State Office of Victim Services (NYS OVS) for the receipt and use of a Victims of Crime Act Victim and Witness Assistance Grant of \$395,924.08 for the period of October 1, 2023 to September 30, 2024. This is the second year of a three-year grant with a term of October 1, 2022 to September 30, 2025.

The Victims of Crime Act Victim and Witness Assistance Grant Program funds a portion of personnel expenses of the DRHS Crisis Intervention Services (CIS) unit. Staff in this unit provide support to victims of crime, including referrals for wrap-around support, assistance in completing applications for funding from the NYS OVS, and information on the legal process and their pending criminal cases. Grant reimbursement of these personnel expenses was anticipated and included in the 2023-2024 Department of Recreation and Human Services and Undistributed Expenses budgets. From October 1, 2022 - June 30, 2023, CIS staff funded by this grant assisted over 850 crime victims.

This was last authorized by City Council via Ordinance No. 2022-254 on August 16, 2022. The City has received this funding since at least 2014.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-320
(Int. No. 358)

Authorizing an agreement for a Victims of Crime Act Victim and Witness Assistance 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 New York State Office of Victim Services (NYS OVS) for the receipt and use of a grant of \$395,924.08, which is hereby appropriated to fund a portion of personnel expenses for the Department of Recreation and Humans Services (DRHS) Crisis Intervention Services unit's program providing wrap-around support for victims of crime. The term of the agreement shall be October 1, 2023 through September 30, 2024

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-321
Re: Agreements – New York State Department of Health, Sexual Risk Avoidance Education Grant

Council Priority: Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to the New York State Department of Health (NYSDOH) Sexual Risk Avoidance Education (SRAE) Grant program to address unintended teen pregnancy. This legislation will:

1. Authorize an agreement with NYSDOH for the receipt and use of \$275,000 SRAE grant for the July 1, 2023 through June 30, 2024 program period. The NYSDOH SRAE Grant program is in year four of the five-year grant period of July 1, 2019 through June 30, 2024.
1. Establish \$134,750 as total maximum compensation for Baden Street Settlement / Metro Council for Teen Potential funded from the grant authorized herein, for a term of one year.

An additional \$111,184 was anticipated and included in the 2023-24 Budgets of the Department of Recreation and Human Services and Undistributed Expenses for staff costs associated with the City's role as lead agency, including one full-time employee, one part-time employee, and a portion of a supervisor's time. The remaining \$29,066 will be accounted for in the Teenage Pregnancy Prevention Special Revenue Fund to cover non-personnel expenses such as educational supplies, printing, travel and apparel as well as indirect expenses.

The goal of the SRAE initiative is to support and enhance youth ages 10-13 social-emotional development and delay onset sexual activity through medically driven, age appropriate curriculum and engaging clubs. SRAE facilitators host weekly clubs at individual R-center sites where youth will participate in engaging fun activities such as Passport club-exploring family unit customs and cultures around the world, Creative Expressions Club, Cooking Matters family cooking program, and Making A Difference evidence based curriculum. Through SRAE programming youth will gain skills and insight to become healthy, productive adolescents with a strong sense of self. The program serves a total of 300 unduplicated youth and caregivers each year. This was last authorized by City Council Ordinance 2022-175.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-192

Ordinance No. 2023-321
(Int. No. 359)

Appropriating funds and authorizing agreements for the Sexual Risk Avoidance Education 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 New York State Department of Health for the receipt and use of Sexual Risk Avoidance Education Grant program (Program) funding in the amount of \$275,000, which is hereby appropriated for operating the Program from July 1, 2023 through June 30, 2024. Of that appropriation, \$29,066 shall be allocated to the Teenage Pregnancy Prevention Special Revenue Fund to fund non-personnel and indirect expenses related to the Program.

Section 2. The Mayor is hereby authorized to enter into a professional services agreement with Baden Street Settlement of Rochester, Inc. to provide services for the Program. The maximum compensation for the agreement shall be \$134,750, which shall be funded from the grant appropriated in Section 1 herein. The term of the agreement shall be one year.

Section 3. The grant agreement and professional services agreement shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By President Meléndez
September 19, 2023

To the Council:

The **PUBLIC SAFETY COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 360 Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,370,000 Bonds of said City to finance the replacement of Truck 3 at the South Avenue Firehouse and the Protectives rescue vehicle located at the Chestnut Street Firehouse
- Int. No. 361 Authorizing an agreement for electronic patient care reporting software and support
- Int. No. 362 Authorizing intermunicipal agreements with the Rochester City School District and amending the 2023-24 Budget with regard to overtime police services for school session arrival and dismissal periods and for other events
- Int. No. 363 Authorizing an intermunicipal agreement and amending the 2023-24 Budget for the Pathways to Peace school based programming
- Int. No. 364 Authorizing an agreement relating to the Crime Stoppers program

Respectfully submitted,
Miguel A. Meléndez Jr.
Mary Lupien (*joined & voted for Int. Nos. 362-364*)
Mitch Gruber
Lashay D. Harris
Willie J. Lightfoot
Stanley Martin (*absent*)
Michael A. Patterson
Jose Peo (*absent*)
Kimberly Smith
PUBLIC SAFETY COMMITTEE

Received filed & published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-322
Re: Fire Apparatus Bonding

Council Priority: Public Safety

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,370,000 and the appropriation of proceeds thereof to finance the purchase of firefighting apparatus.

The Fire Department periodically replaces firefighting and rescue apparatus based upon a combination of use and age. The truck and reserve engines being replaced are first line apparatus and are currently located at the South Avenue, Chestnut Street fire stations. The following details the age and use of the apparatus being replaced:

<u>Apparatus No.</u>	<u>Age</u>	<u>Location</u>	<u>Annual Runs</u>
Truck 3	9 years	South Avenue	1,360
Protectives	9 years	Chestnut Street	350

Upon replacement, the existing apparatus that is currently 9 years old will be placed into reserve status. The existing reserve apparatus that are on average 20 years old will be eligible for disposal through the Purchasing Bureau's surplus process.

Respectfully submitted,
Malik D. Evan
Mayor

Ordinance No. 2023-322
(Int. No. 360)

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,370,000 Bonds of said City to finance the replacement of Truck 3 at the South Avenue Firehouse and the Protectives rescue vehicle located at the Chestnut Street Firehouse

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 costs of the replacement of the following firefighting apparatus: Truck 3 at the South Avenue Firehouse and the Protectives rescue vehicle located at the Chestnut Street Firehouse. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,370,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,370,000 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 \$2,370,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,370,000. 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. 27. of the Law, is twenty (20) years.

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

said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

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

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

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-323

Re: Agreement – ImageTrend, Inc. EMS Electronic Patient Care (ePCR) Standalone

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Public Safety

Transmitted herewith for your approval is legislation establishing \$157,500 as maximum compensation for an agreement with ImageTrend Inc., (Joe Graw, President/CEO) Lakeville, MN for electronic patient care report (ePCR) software license and support. The term of this agreement will be two years and the cost of this agreement will be funded with \$89,200 of 2023-24 Cash Capital and \$68,300 from the 2024-25 Budget of the Fire Department, contingent upon approval. The agreement will have the option of two (2) additional one (1) year renewals upon mutual agreement for recurring maintenance fees. The annual maximum compensation of each renewal will not exceed \$68,300 with a possible maximum increase of 7% per year.

The cost of the renewals will be funded by the 2025-26 and 2026-27 Budgets of the Fire Department, contingent upon approval.

The Rochester Fire Department (RFD) currently utilizes the AMR Multi-EMS Data System (MEDS) for electronic patient care reports (ePCR) and data submission. RFD was notified in May 2023 that AMR would no longer use or maintain the MEDS system and will sunset its operation effective January 1, 2024. RFD is seeking to contract with ImageTrend as a solution for an ePCR and data submission. Such system is necessary to comply with the State Health Department's National Emergency Medical Services Information System (NEMSIS) reporting mandates.

The ImageTrend standalone platform has the ability to customize reports and provide a wide array of data in real time. Image Trend, Inc. is the current preferred and contracted vendor for the NYS DOH and has been for several years. ImageTrend works closely with the NYS DOH on NEMSIS compliance.

ImageTrend, Inc. has been approved with a No-RFP Justification Statement, as described in the attached summary..

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-193

Ordinance No. 2023-323
(Int. No. 361)

Authorizing an agreement for electronic patient care reporting software and support

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 ImageTrend, LLC (ImageTrend) to provide software licensing and to support the filing of electronic patient care reports and data submission for Fire Department employees in accordance with the New York State Department of Health reporting mandates. The term of the agreement shall be for two years with the option to extend for up to two additional periods of one-year each. The maximum compensation for the initial term shall be \$157,500, which shall be funded in the amounts of \$89,200 from 2023-24 Cash Capital and \$68,300 from the 2024-25 Budget of the Fire Department, contingent upon approval of the latter budget. The annual compensation for each of the optional extended one-year terms shall be \$68,300 subject to an optional increase of no more than 7% for each year, which shall be funded from the 2025-26 and 2026-27 Budgets of the Fire Department, contingent upon approval.

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. 2023-324
Re: Rochester City School District, Overtime Police Services

Council Priority: Public Safety; Support the Creation of Effective Educational Systems

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to agreements with the Rochester City School District (RCS D) for police services. This legislation will:

1. Authorize an intermunicipal agreement with RCS D for the receipt and use of \$787,600 for Police Officers to provide police services during arrival and dismissal times at schools mutually agreed upon by both parties (School Session agreement). The term of the agreement will be September 6, 2023 through June 26, 2024;
2. Authorize an intermunicipal agreement with RCS D for the receipt and use of \$100,000 for police services provided at school district events, including football games, basketball games, and graduation ceremonies (Events agreement). The term of the agreement will be September 1, 2023 through June 30, 2024;
3. Increase the 2023-24 Budget of the Police Department by \$618,800 to reflect receipt of portions of the compensation for the School Session agreement (\$581,800) and for the Events agreement (\$37,000); and
4. Increase the 2023-24 Budget of Undistributed by \$218,800 to reflect receipt of portions of the compensation for the School Session agreement (\$205,800) and for the Events agreement (\$13,000).

The receipt of the remaining \$50,000 in compensation for the Events agreement was anticipated in the existing 2023-24 Budgets of the Police Department (\$37,000) and Undistributed (\$13,000).

RCS D has requested assignment of Police Officers during student arrival and dismissal times at mutually agreed upon schools, for up to 184 school days through the school year. Based on RPD staffing, one or more of the following schools will be covered: Franklin Campus (950 Norton St), Edison Career and Technology High School (655 Colfax St.), Joseph C. Wilson Magnet High School (501 Genesee St.), Northeast College Preparatory High School (~~940 Fernwood Park~~) (4115 Lake Ave.), East High School (1801 East Main St.). RCS D will reimburse the City for costs at the Special Events overtime rate of \$107 per hour, which includes fringe, up to a maximum of \$787,520. Four hours of police presence will be provided at arrival times on each of the chosen school days, as well as four hours during dismissal, with one officer provided for each arrival and dismissal. The previous agreement was approved by Ordinance No. 2023-268.

RCS D has also requested assignment of Police Officers on a reimbursable overtime basis for traffic and crowd control at school district events.

The agreement will provide for reimbursement by RCS D of the cost of these services at the Special Events overtime rate of \$107 per hour, which includes fringe, up to a maximum of \$100,000 during fiscal year 2023-24. The previous agreement was approved by Ordinance No. 2022-279.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-194

Ordinance. No. 2023-324
(Int. No. 362)

Authorizing intermunicipal agreements with the Rochester City School District and amending the 2023-24 Budget with regard to overtime police services for school session arrival and dismissal periods and for other events

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement with the Rochester City School District (RCSD) for sworn City of Rochester Police Officers to provide police services during student arrival and dismissal times at certain school facilities, and to obtain from RCSD reimbursement for such services at a minimum overtime rate of \$107 per hour per officer and not to exceed a total of \$787,600 (School Session Agreement). The term of the agreement shall commence on September 6, 2023 and continue through June 26, 2024.

Section 2. The Mayor is hereby authorized to enter into an intermunicipal agreement with the RCSD for sworn City of Rochester Police Officers to provide police services for certain school district events, including football games, basketball games and graduation ceremonies, and to obtain from RCSD reimbursement for such services at a minimum overtime rate of \$107 per hour per officer and not to exceed a total of \$100,000 (Events Agreement). The term of the agreement shall be from September 1, 2023 through June 30, 2024.

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

Section 4. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to:

- A. the Budget of the Police Department by \$618,800 to reflect receipt of portions of the compensation for the School Session agreement (\$581,800) and for the Events Agreement (\$37,000); and
- B. the Budget of Undistributed by \$218,800 to reflect receipt of portions of the compensation for the School Session Agreement (\$205,800) and for the Events Agreement (\$13,000).

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Lupien, Patterson, Peo, Smith - 8.

Nays - Councilmember Martin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-325
Re: Inter-Municipal Agreement – Rochester City School District’s Utilization of Pathways to Peace for School Based Programming

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation related to funds for Pathways to Peace from the Rochester City School District. This legislation will:

- 1) Authorize an inter-municipal agreement with the Rochester City School District for the receipt and use of \$43,636.36 for a term of one year.
- 2) Amend the 2023-24 Budget of the Office of the Mayor by \$40,500, and amend the 2023-24 Budget of Undistributed Expenses by \$3,200 according to the agreement above.

Under this agreement the District will reimburse the City for Pathways to Peace (PTP) staff expenses. The City of Rochester Mayor's Office of Violence Prevention Programs will create a school-based (PTP) program consisting of one school-day staff person. PTP will operate within the East High Upper and Lower Schools facility during the 2023-2024 school year.

Services provided will include student mediation, developing and implementing safety plans for student re-entry following a period of absence due to violence, and response to school emergencies.

This agreement is pending Board of Education approval.

Respectfully submitted,
Malik D. Evan
Mayor

Ordinance No. 2023-325
(Int. No. 363)

Authorizing an intermunicipal agreement and amending the 2023-24 Budget for the Pathways to Peace school based programming

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

Section 1. The Mayor is hereby authorized to enter into an intermunicipal agreement for the receipt and use of \$43,636.36 from the Rochester City School District (RCSD) in return for the City providing Pathways to Peace school-based program staffing at RCSD's East High Upper and Lower Schools facility during the 2023-24 school year.

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

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by the sum of \$40,500 and to the Budget of Undistributed Expenses by \$3,200, which amounts are hereby appropriated from funds to be received under the agreement and for the purpose authorized by Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-326
Re: Agreement – Rochester Area Crime Stoppers, Inc.

Council Priority: Public Safety

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Rochester Area Crime Stoppers, Inc. (Chairperson: Bob Lukasiewicz). The term of the agreement will be July 1, 2023 through June 30, 2024. The cost of this agreement will be funded with Department of Treasury federal forfeiture funds that were appropriated for this purpose in the 2023-24 Budget of the Police Department.

Rochester Area Crime Stoppers, Inc. is an organization that promotes anonymous crime tips and provides rewards for tips that result in arrests. It also publishes the *Fugitive Flyer* to assist local law enforcement in arresting felony fugitives, and produces public awareness materials geared towards eliminating gun violence.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-326
(Int. No. 364)

Authorizing an agreement relating to the Crime Stoppers program

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

Section 1. The Mayor is hereby authorized to enter into a professional services agreement with Rochester Area Crime Stoppers, Inc. for services relating to the solicitation of anonymous crime tips and the provision of rewards for tips which result in arrests. The maximum compensation for the agreement shall be \$15,000, which shall be funded from the 2023-24 Budget of the Police Department. The term of the agreement shall be July 1, 2023 through June 30, 2024.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Meléndez, Councilmembers Gruber, Harris, Lightfoot, Patterson, Peo, Smith - 7.

Nays - Vice President Lupien, Councilmember Martin - 2.

By Vice President Lupien
September 19, 2023

To the Council:

The **COMMITTEE OF THE WHOLE** recommends for **ADOPTION** the following entitled legislation:

Int. No 372 Resolution relating to standard work day and retirement reporting for
Councilmembers Gruber, Martin and Smith

Int. No. 373 Resolution relating to standard work day and retirement reporting for
Councilmembers Meléndez and Patterson

The **COMMITTEE OF THE WHOLE** recommends the following entitled legislation to be **HELD** in Committee:

Int. No. 370 Resolution confirming the appointment of the Fire Chief

Respectfully submitted,
Mary Lupien
Miguel A. Meléndez Jr. (*abstained from Int. No. 373*)
Mitch Gruber (*abstained from Int. No. 372*)
LaShay D. Harris
Willie J. Lightfoot
Stanley Martin (*absent*)
Michael A. Patterson (*abstained from Int. No. 373*)
Jose Peo (*absent*)
Kimberly Smith (*abstained from Int. No. 372*)

COMMITTEE OF THE WHOLE

Received, file and published

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2023-27
Resolution No. 2023-28
Re: City Council Standard Work Day and Reporting Resolution

Transmitted herewith for your approval are two resolutions approving the standard monthly workday reporting for retirement purposes for certain members of the City Council. The standard work day approach referred to in this legislation was authorized by the City Council in Resolution No. 2012-13 in accordance with the New York State and Local Retirement System Regulation at 2 NYCRR §315.4.

This legislation is being submitted for Councilmembers Mitch Gruber, Stanley Martin, Kim Smith, Mike Patterson and Council President Miguel Melendez. The legislation accepts the Councilmembers' three-month Record of Activities (ROA) logs, which have been submitted and are on file with the Clerk's Office.

We previously approved the same ROA's for the same members in March via Resolution Nos. 2023-8 and 2023-9. The State Pension Integrity office rejected those resolutions, however, because the accompanying forms did not specify the start and end date for each Councilmember's current term. The proposed resolutions remedy that oversight and have been reviewed and approved as to form by the Pension Integrity office.

The legislation is split into two resolutions so that every affected Councilmember can abstain from voting on their own retirement record without depriving the Council of a 5-member quorum to vote on each resolution.

Respectfully submitted,
Mary Lupien
Council Vice President

Attachment Nos. AW-195, AW-196

Resolution. No. 2023-27
(Int. No. 372)

Resolution relating to standard work day and retirement reporting for Councilmembers Gruber, Martin and Smith

WHEREAS, Councilmembers Mitch D. Gruber, Stanley Martin and Kimberly Smith are enrolled in the New York State and Local Retirement System and each of them has maintained a log of Council work-related activities (Record of Activities) pursuant to 2 NYCRR 315.4 in order to factor the number of hours worked into the calculation of a standard number of days worked per month to be reported to the Retirement System;

WHEREAS, in Resolution No. 2012-13, the Council established the standard work day for members of the City Council as six hours in a standard five-day, thirty-hour work week; and

WHEREAS, based on the standard number of hours worked per month and the standard six-hour work day, the number of days worked per month for each of the three Councilmembers has been calculated in accordance with the Retirement System's Standard Work Day and Reporting Resolution form number RS 2417-A (Reporting Resolution Form), which has been presented to Council.

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

Section 1. The Council hereby certifies that it has received and accepts a Record of Activities pursuant to 2 NYCRR 315.4 from each one of the following Councilmembers and that such records shall form the basis for the number of work days to be reported to the New York State and Local Retirement System:

Councilmember	Current Term Beginning and End
Mitch D. Gruber	01/01/2022 - 12/31/2025
Stanley Martin	01/01/2022 - 12/31/2025
Kimberly Smith	01/01/2022 - 12/31/2025

Section 2. Based on the number of hours set forth in each of their Record of Activities, the monthly reporting to the Retirement System of days worked for Councilmembers Mitch D. Gruber, Stanley Martin and Kimberly Smith shall be calculated based on the total number of six-hour work day equivalents worked each month, as specified in the Reporting Resolution Form.

Section 3. The Council hereby approves and incorporates into this resolution the Standard Work Day, the Record of Activities Result, and the Current Term of Office for Councilmembers Mitch D. Gruber, Stanley Martin and Kimberly Smith as set forth in the accompanying Reporting Resolution Form, which is annexed hereto. The Council hereby directs the City Clerk to post this resolution and the Reporting Resolution Form in public (with the Social Security and NYSLRS identification numbers redacted) for a period of at least 30 days after which she shall file said resolution and unredacted form, along with an affidavit of posting, with the Retirement System.

Section 4. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Meléndez, Councilmembers Harris, Lightfoot, Lupien, Patterson, Peo - 6.

Nays - None - 0.

Councilmembers Gruber, Martin and Smith abstained due to a professional relationship.

Resolution No. 2023-28
(Int. No. 373)

Resolution relating to standard work day and retirement reporting for Councilmembers Meléndez and Patterson

WHEREAS, Councilmembers Miguel A. Melendez, Jr. and Michael A. Patterson, are enrolled in the New York State and Local Retirement System and each of them has maintained a log of Council work-related activities (Record of Activities) pursuant to 2 NYCRR 315.4 in order to factor the number of hours worked into the calculation of a standard number of days worked per month to be reported to the Retirement System;

WHEREAS, in Resolution No. 2012-13, the Council established the standard work day for members of the City Council as six hours in a standard five-day, thirty-hour work week; and

WHEREAS, based on the standard number of hours worked per month and the standard six-hour work day, the number of days worked per month for each of the two Councilmembers has been calculated in accordance with the Retirement System's Standard Work Day and Reporting Resolution form number RS 2417-A (Reporting Resolution Form), which has been presented to Council.

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

Section 1. The Council hereby certifies that it has received and accepts a Record of Activities pursuant to 2 NYC RR 315.4 from each one of the following Councilmembers and that such records shall form the basis for the number of work days to be reported to the New York State and Local Retirement System.

Councilmember	Current Term Beginning and End
Miguel A. Meléndez, Jr.	01/01/2022 - 12/31/2025
Michael A. Patterson	01/01/2020 - 12/31/2023

Section 2. Based on the number of hours set forth in each of their Record of Activities, the monthly reporting to the Retirement System of days worked for Councilmembers Miguel A. Melendez, Jr. and Michael A. Patterson shall be calculated based on the total number of six-hour work day equivalents worked each month, as specified in the Reporting Resolution Form.

Section 3. The Council hereby approves and incorporates into this resolution the Standard Work Day, the Record of Activities Result, and the Current Term of Office for Councilmembers Miguel A. Melendez, Jr. and Michael A. Patterson, as set forth in the accompanying Reporting Resolution Form, which is annexed hereto. The Council hereby directs the City Clerk to post this resolution and the Reporting Resolution Form in public (with the Social Security and NYSLRS identification numbers redacted) for a period of at least 30 days after which she shall file said resolution and the unredacted form, along with an affidavit of posting, with the Retirement System.

Section 4. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - Councilmembers Gruber, Harris, Lightfoot, Lupien, Martin, Peo, Smith - 7.

Nays - None - 0.

President Meléndez, and Councilmember Patterson abstained due to a professional relationship.

Vice President Lupien introduced a motion to discharge Int. No. 370; 2nd by Councilmember Peo. Motion to discharge passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2023-29
Re: Confirmation of the Chief of Rochester Fire Department

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of Stefano Napolitano.

Stefano Napolitano's resume is on file in the City Clerk's Office.

Respectfully submitted,
Malik D. Evans
Mayor

Resolution. No. 2023-29
(Int. No. 370)

Resolution confirming the appointment of the Fire Chief

WHEREAS, the Mayor has appointed Stefano Napolitano to the position of Fire Chief, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Stefano Napolitano as Fire Chief.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Gruber
September 19, 2023

To the Council:

The **FINANCE COMMITTEE** recommends for **ADOPTION** the following entitled legislation:

- Int. No. 365 Resolution approving appointment to the Rochester Civil Service Commission
- Int. No. 366 Authorizing an agreement and amending the 2023-24 Budget to establish a Bank On Coalition
- Int. No. 367 Authorizing a master license agreement with Uniti National LLC
- Int. No. 368 Authorizing an amendatory agreement relating to securities litigation services
- Int. No. 371 Authorizing agreements to provide revenue control equipment and services for municipal parking garages

The **FINANCE COMMITTEE** recommends for the following entitle legislation to be **HELD** in Committee:

Int. No. 369 Appropriating Opioid Compensation funds and authorizing agreements for the Neighborhood Ambassador Program

Respectfully submitted,
Mitch Gruber
Michael A. Patterson (*absent on Int. Nos. 369 & 371*)
Kimberly Smith
Mary Lupien
Miguel A. Meléndez, Jr.
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2023-30
Re: Appointment Civil Service Commission for the City of Rochester

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation confirming the appointment of Edward Stulginsky, Rochester, New York 14607, to the Civil Service Commission for the City of Rochester.

Mr. Stulginsky will replace Terrance Youmans who resigned from the Commission on August 7, 2023. Mr. Stulginsky is an Independent and will serve the remainder of Mr. Youman’s term, which will extend to May 31, 2026.

A resume for Mr. Stulginsky is available for review in the City Clerk’s Office.

A summary description of the Commission and its current membership is attached.

Respectfully submitted,
Malik D. Evans
Mayor

Attachment No. AW-197

Resolution No. 2023-30
(Int. No. 365)

Resolution approving appointment to the Rochester Civil Service Commission

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

Section 1. The Council hereby approves the appointment of Edward Stulginsky to the Rochester Civil Service Commission for a term which shall expire on May 31, 2026, which is the remainder of the term of the former Commission member Terrance Youmans, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-327

Re: Grant Acceptance for the Office of Financial Empowerment

Council Priority: Jobs and Economic Development

Comprehensive Plan 2034 Initiative Area: Fostering Prosperity & Opportunity

Transmitted herewith for your approval is legislation related to funding for the City's Office of Financial Empowerment. This legislation will:

- 1) Authorize a grant agreement with Cities for Financial Empowerment Fund, Inc. (Jonathan Mintz, Executive Director, 44 Wall St #1050, New York, NY 10005) for receipt and use of a \$25,000 grant for the purpose of launching a Bank On Coalition.
- 2) Amend the 2023-24 Budget of the Office of the Mayor by \$25,000 for the funding from Cities for Financial Empowerment Fund as outlined above.

This funding will be used to support the launch of a Bank On Rochester Coalition, which aims to make safe and affordable banking products for low income families more accessible to Rochester residents. Bank On Coalitions exist across the country and serve to bring financial institutions, nonprofits, municipalities, and low-income residents together to promote access to banking. This funding will support costs associated with staff training, hosting events, marketing materials, and travel to national Bank On conferences.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-327
(Int. No. 366)

Authorizing an agreement and amending the 2023-24 Budget to establish a Bank On Coalition

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 Cities for Financial Empowerment Fund, Inc. for the receipt and use of a grant in the amount of \$25,000 to establish a Bank On Coalition for promoting access to banking for low income families. The agreement shall have a term of one year.

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

Section 3. Ordinance No. 2023-228, the 2023-24 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Office of the Mayor by \$25,000 to reflect receipt of the grant funds authorized herein, which are hereby appropriated for the purpose described in Section 1 herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Gruber introduced a motion to return Int. No. 367 to Committee;
2nd by Vice President Lupien.
Motion passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2023-328
Re: Amendatory legal services agreement with Harter Secrest & Emery LLP for securities litigation

Transmitted herewith for your approval is legislation increasing the maximum compensation for a professional services agreement with Harter Secrest & Emery LLP related to securities litigation commenced last year by the U.S. Securities and Exchange Commission. This litigation is wholly related to an attempt to hold the City of Rochester and the City's former Finance Director liable for the failure of the Rochester City School District to disclose certain financial information.

The professional services agreement, as authorized in July 2022 in Ordinance No. 2022-183 and as amended by Ordinance No. 2023-30 in January and by Ordinance No. 2023-139 in April, authorizes maximum compensation in the amount of \$150,000. The legislation would increase the maximum compensation by \$200,000, which will be funded from the 2023-24 Budget of Undistributed Expenses.

Respectfully submitted,
Malik D. Evans
Mayor

Ordinance No. 2023-328
(Int. No. 368)

Authorizing an amendatory agreement relating to securities litigation 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 professional services agreement with Harter Secrest & Emery LLP to continue to provide legal services with regard to securities litigation. The amendatory agreement shall amend the existing agreement, which was authorized by Ordinance No. 2022-183 and amended by Ordinance Nos. 2023-30 and 2023-139, to increase the maximum compensation by \$200,000. The amendatory compensation shall be funded from the 2023-24 Budget of Undistributed Expenses.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2023-329

Re: Agreement - Flash Parking, Inc. for Revenue Control Equipment at Genesee Crossroads Garage, High Falls Garage, Sister Cities Garage, Court St Garage, Mortimer St Garage and Washington Square Garage.

Council Priority: Creating and Sustaining a Culture of Vibrancy

Comprehensive Plan 2034 Initiative Area: Reinforcing Strong Neighborhoods

Transmitted herewith for your approval is legislation authorizing the following agreements with Flash Parking, Inc. Juan Rodriguez, principal, Austin, TX for Hardware As A Service (HaaS) for revenue control equipment lease at the following City-owned parking garages:

1. For Genesee Crossroads Garage, to amend the existing agreement with Flash Parking, Inc. authorized by Ordinance No. 2021-315 to increase the maximum compensation by \$28,620 to a new maximum total of \$58,560 and to extend the term for up to two more years commencing upon execution. The compensation increase will reflect a one-time installation fee of \$2,220 and increasing the monthly fee for up to two more years by \$1,100 to a new total monthly rate of \$2,200 .
2. For each of five additional parking garages, a new revenue control equipment and service agreement for a term up to two years commencing upon execution and subject to the following one time installation fees and monthly fees:

<u>Garage</u>	<u>Address</u>	<u>One Time Cost</u>	<u>Monthly fee</u>
Court St Garage	194 Court St	\$7,560	\$4,595
High Falls Garage	240 State St	\$2,340	\$2,420
Mortimer St Garage	83 Mortimer St	\$4,590	\$2,420
Sister Cities Garage	28 N. Fitzhugh	\$5,900	\$3,845
Washington Square Garage	250 S. Clinton Ave	\$10,380	\$4,250

Flash Parking, Inc. is a contract vendor through National Cooperative Purchasing Alliance (NCPA) NCPA is a cooperative that works to reduce the cost of goods and services. Flash Parking, Inc. provides a cost effective parking garage revenue control equipment lease solution. Transient parkers can use a credit card at the exit and a mobile payment app. As with all our credit card point of sale locations, there are credit card processing fees that the City will have to pay. The optional mobile app payment feature involves a \$.35 fee that will be paid by the parking patron.

The agreements authorized herein shall allow the Mayor, if they so choose, to assign the City rights and obligations to a subsequent owner or operator if the parking garage is conveyed to a new owner.

A no RFP justification statement is attached. The compensation for each agreement will be funded from the 2023-24 and subsequent years' Budgets of the Department of Finance, contingent upon the approval of the subsequent years' Budgets.

Respectfully submitted,
Malik D. Evans
Mayor

Authorizing agreements to provide revenue control equipment and services for municipal parking garages

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 FlashParking, Inc. to provide revenue control equipment and services for the Genesee Crossroads parking garage, 69 Andrews Street. The Mayor is hereby authorized to amend the existing agreement authorized in Ordinance No 2021-315 to provide for the installation and servicing of additional revenue control equipment, to extend the term for up to two more years, and to increase the maximum compensation by \$28,620 to a new total of \$58,560. The amendatory compensation amount shall be funded from the 2023-24 or future years' Budgets of the Department of Finance, contingent upon the approval of the future years' Budgets.

Section 2. The Mayor is hereby authorized to enter into agreements with FlashParking, Inc. to provide revenue control equipment and services for each of the following five parking garages for the one-time cost and monthly fee as follows:

Garage	Address	One-Time Cost	Monthly Fee
Court Street	194 Court Street	\$7,560	\$4,595
High Falls	240 State Street	\$2,340	\$2,420
Mortimer Street	83 Mortimer Street	\$4,590	\$2,420
Sister Cities	28 North Fitzhugh Street	\$5,900	\$3,845
Washington Square	250 S. Clinton Avenue	\$10,380	\$4,250

Each agreement shall have a term of up to two years. The cost and fees for the agreements shall be funded from the 2023-24 year's Budget of the Department of Finance or future years' Budgets of that department, contingent upon the approval of the future years' budgets.

Section 3. For each one of the agreements authorized herein, the Mayor shall the option to assign the City's rights and obligations to a subsequent owner or operator if the subject parking garage is conveyed to a new owner.

Section 4. Each one of the agreements authorized herein shall contain such additional terms and conditions as the Mayor deems appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 7:16 pm.

HAZEL L. WASHINGTON
City Clerk