

Additional Proposed Legislation
For the October 16, 2018 City Council Meeting -
Filed in the Office of the City Clerk
September 27 through September 28

****Please Note****

For questions regarding the proposed legislation,
Call the City Clerk's Office at 585-428-7421



City of Rochester

City Hall Room 308A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov

PUBLIC SAFETY, YOUTH & RECREATION INTRODUCTORY NO.

Lovely A. Warren
Mayor

34
DRYS

382

September 27, 2018

TO THE COUNCIL

Ladies and Gentlemen:

Re: Agreement - New York State Office of Children
and Family Services, AmeriCorps grant

Council Priority: Jobs and Economic Development;
Support the Creation of Effective Educational Systems

Transmitted herewith for your approval is legislation related to a grant from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps program. This legislation will:

1. Authorize the receipt and use of a \$423,016 grant award from the New York State Office of Children and Family Services (NYS OCFS) for the Flower City AmeriCorps program. The term of the first grant period will be from November 1, 2018 to February 28, 2020.

2. Amend the 2018-19 Budget of the following departments to reflect a partial grant period authorized herein:

Department of Recreation and Youth Services (DRYS)	\$66,700
Undistributed Expenses	<u>\$172,800</u>
Total	<u>\$239,500</u>

The total grant funding of \$423,016 is for the full grant period of November 1, 2018 to February 28, 2020, however the budget amendments are for the remaining eight months of the 2018-19 fiscal year. The remaining \$183,516 will be anticipated and included in future years' budgets, subject to approval by Council.

3. Amend the 2018-19 Budget by transferring a total of \$43,100 from Contingency to the following departments:

Department of Recreation and Youth Services (DRYS)	\$23,100
Rochester Public Library (RPL)	<u>\$20,000</u>
Total	<u>\$43,100</u>

The goal of the Flower City AmeriCorps program is to inspire and prepare the next wave of human service professionals by providing the skills, information, and experience needed for success, as they serve at local organizations working to mitigate the symptoms and existence of poverty in our community. The program is designed to focus on service delivery in poverty-stricken areas in Rochester. Members will engage individuals and families in youth development, health and wellness, economic opportunity, and community building programming.

Thirty AmeriCorps members will be selected (12 or more who are economically disadvantaged) to provide one year of service to positively impact their neighborhoods through placement in DRYS (4 Corps members), Neighborhood and Business Development (4 Corps members), Rochester Public Library (1 Corps member), and Office of Innovation and Strategic Initiatives (1 Corps member), and community organizations (20 Corps members).

AmeriCorps members are volunteers and, if serving full time (40 hours per week), will receive a \$13,732 annual "living allowance" and an education award of \$6,095 upon successful completion of the program. AmeriCorps members serving half time (20 hours per week) will receive a \$6,866

annual "living allowance" and an education award of \$3,047.50 upon successful completion of the program.

The program is projected to reach at least 235 individuals through employment readiness and job placement services, 50 through affordable housing services, 99 through school-based and afterschool educational programming, 200 families through the Raising a Reader program, 110 individuals through health care navigation services, 180 individuals through healthy living and healthy environment presentations, and 700 individuals through food justice and community garden programming. Oversight of the program will be performed by two DRYs staff.

The Flower City AmeriCorps grant was initially authorized on October 13, 2015 via Ordinance No. 2015-343 and last authorized on October 18, 2017 via Ordinance No. 2017-339.

Respectfully submitted,



Lovely A. Warren
Mayor

INTRODUCTORY NO.

382

Ordinance No.

Authorizing an agreement and amending the Budget for the Flower City AmeriCorps 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 Office of Children and Family Services for receipt and use of a grant award of \$423,016 and any additional future cost of living adjustments funds to operate the Flower City AmeriCorps program established by Ordinance No. 2015-353. The agreement shall have a term of November 1, 2018 through February 28, 2020.

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

Section 3. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Budget of the Department of Recreation and Youth Services (the "Department") by the sum of \$66,700 and the Budget of Undistributed Expenses by \$172,800 received under the grant agreement authorized herein.

Section 4. Ordinance No. 2018-157, the 2018-19 Budget of the City of Rochester, as amended, is hereby further amended by transferring \$23,100 from Contingency to the Department and \$20,000 from Contingency to the Rochester Public Library.

Section 5. This ordinance shall take effect immediately.

34
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NEIGHBORHOOD & BUSINESS DEVELOPMENT INTRODUCTORY NO.

35
Lovely A. Warren
Mayor
Real Estate Law

383,384

September 28, 2018



TO THE COUNCIL

Ladies and Gentlemen:

Re: Real Estate Acquisition – 1540 and 1560 Lake Avenue

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of 1540 and 1560 Lake Avenue. The acquisition costs shall consist of: \$2,326,000 for the total purchase price to be financed from bonds to be authorized for this purpose; up to \$20,000 in closing costs to be financed from bonds authorized for this purpose; \$3,000 for the City's cost share of environmental testing of the properties to be funded by 2018-19 Cash Capital; and up to \$3,500 in refunds of real property taxes paid by the owner that are attributable to the period after the closing, to be funded by 2018-19 Cash Capital.

1540 Lake Avenue consists of a 1.07 acre parcel and 1560 Lake Avenue consists of a 2.15 acres parcel, both are owned by Bonitatem LLC (Michael J. Piehler, member). The properties will be used for the to be constructed Northwest Patrol Section Station.

Pursuant to an independent appraisal prepared by Midland Appraisal Associates, Inc. on May 29, 2018, the property "as is" has an appraised value of \$1,500,000 and pursuant to an independent appraisal also prepared by Midland Appraisal Associates, Inc. on May 23, 2018, the valuation after remediation was determined to be \$2,800,000.

The closing on the purchase of the 1560 Lake Avenue parcel shall not occur until the owner has implemented a remedial investigation work plan for the parcel under the New York State Brownfield Cleanup Program by means of an agreement ("BCP Agreement") to the satisfaction of the New York State Department of Environmental Conservation ("DEC"), installed the piping for an oxygen injection interim remedial measure beneath the sub-base of the City's proposed parking lot, and has designed and completed the implementation of the DEC-approved clean-up remedy for the Parcel, all in compliance with the BCP Agreement and sufficient to obtain a BCP Certificate of Completion from the DEC.

The purchase and sale agreement shall provide for the City and owner to share the expenses of the environmental investigation and remediation work as follows: the Owner shall be solely responsible expenses totaling \$650,000 or less; the City shall reimburse the owner for expenses that exceed \$650,000 and up to \$800,000; the owner shall be responsible for the excess over \$800,000 and up to \$850,000; and the City shall reimburse the owner for one-half of BCP Remedial Work expenses exceeding \$850,000. Expenses incurred by the City for this work, if any, shall be funded by the Insurance Reserve.

After the completion of the environmental and remediation work and closing on the 1560 Parcel, the City shall be responsible for all further compliance with the BCP and the BCP Agreement, including operation, maintenance, monitoring and reporting upon all post-remediation controls necessary to maintain the Certificate of Completion in good standing and to the satisfaction of the DEC (collectively, the "BCP OM&M Work"). The costs of BCP OM&M Work shall be funded by the current or future Budgets of the Department of Environmental Services for the fiscal year in which each cost is incurred, contingent upon the approval of the future budgets.



City taxes and other current-year charges against each 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 cancelled. The properties shall be conveyed to the City with no other outstanding liens or encumbrances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lovely A. Warren', written in a cursive style.

Lovely A. Warren
Mayor

INTRODUCTORY NO.

383

Ordinance No.

Authorizing the acquisition of 1540 and 1560 Lake Avenue

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

Section 1. The Council hereby approves the acquisition by negotiation of the two parcels described below. The acquisition costs shall consist of: a total purchase price of \$2,326,000, to be financed by the proceeds of bonds to be authorized by an ordinance of this same date ("Accompanying Bond Ordinance"); closing costs of up to \$20,000, to be funded/financed by the Accompanying Bond Ordinance; \$3,000 for the City's cost share of environmental testing of the properties to be acquired, to be financed/funded by 2018-19 Cash Capital; and up to \$3,500 in refunds of real property taxes paid by the owner that are attributable to the period after the closing, to be funded/financed by 2018-19 Cash Capital.

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Owner</u>
1540 Lake Ave	090.44-1-38.004	1.07 acre	Bonitatem LLC
1560 Lake Ave	090.44-1-1.002	2.15 acres	Bonitatem LLC

Section 2. City taxes and other current-year charges against each 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 cancelled. The properties shall be conveyed to the City with no other outstanding liens or encumbrances.

Section 3. The closing on the purchase of the 1560 Lake Avenue parcel ("1560 Parcel") shall not occur until the owner has enrolled the property in the New York State Brownfield Cleanup Program by means of an agreement ("BCP Agreement") with the New York State Department of Environmental Conservation ("DEC"), implemented a BCP remedial investigation work plan for the parcel, installed the piping for an oxygen injection interim remedial measure beneath the sub-base of the City's proposed parking lot on that parcel, and has designed and completed the implementation of the clean-up remedy for the 1560 Parcel, all in compliance with the BCP Agreement and sufficient to obtain a BCP Certificate of Completion from the DEC.

Section 4. The purchase and sale agreement shall provide for the City and owner to share the expenses of the environmental investigation and remediation work set forth in Section 3 (collectively, the "BCP Remedial Work") as follows: the Owner shall be solely responsible expenses totaling \$650,000 or less; the City shall reimburse the owner for expenses that exceed \$650,000 and up to \$800,000; the owner shall be responsible for the excess over \$800,000 and up to \$850,000; and the City shall reimburse the owner for one-half of BCP Remedial Work expenses exceeding \$850,000. The BCP Remedial Work expenses incurred by the City pursuant to this Section, if any, shall be funded by the Insurance Reserve.

Section 5. After the completion of the BCP Remedial Work and closing on the 1560 Parcel, the City shall be responsible for all further compliance with the BCP and the BCP Agreement, including operation, maintenance, monitoring and reporting upon all post-remediation controls necessary to maintain the Certificate of Completion in good standing and to the satisfaction of the DEC (collectively, the "BCP OM&M Work"). The costs of BCP OM&M Work shall be funded by the current or future Budgets of the Department of Environmental Services for the fiscal year in which each cost is incurred, contingent upon the approval of the future budgets.

Section 6. This ordinance shall take effect immediately.

INTRODUCTORY NO.

384

Ordinance No.

Bond Ordinance of the City of Rochester, New York authorizing the issuance of \$2,346,000 Bonds of said City to finance the costs of acquiring of 1540 and 1560 Lake Avenue

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 acquisition of 1540 and 1560 Lake Avenue (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 \$2,349,500. The plan of financing includes the issuance of \$2,346,000 bonds of the City which are hereby appropriated to said Project and \$3,500 from 2018-19 Cash Capital 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 \$2,346,000 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 \$2,346,000. 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. 21. of the Law, is 30 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.